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of All Forms of Discrimination
Against Women

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against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of the States parties

THE NETHERLANDS ARUBA
(Autonomous part of the Kingdom of the Netherlands)

V.93-86784

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* The draft Constitution is not yet in force and has not been officially translated. It is therefore not included in this report.

** The court decisions in annexes 3-5 of the original document are in Dutch and have not been translated. They are therefore not included in this document. However, a summary is contained in Annex 2.

PART I - GENERAL

1. INTRODUCTION

A. REPORTING OBLIGATION UNDER THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

This report is submitted in pursuance of article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women.
The Convention became effective for the Kingdom of the Netherlands (including Aruba) on 22 August 1991.
Attaining its status of autonomous entity within the Kingdom of the Netherlands in 1986 entailed for Aruba the obligation to report periodically under the various international human rights instruments.

This initial report for Aruba follows as closely as possible the following documents:
- General Guidelines as laid down by the Committee in Document CEDAW/C/7;
- "Manual on Human Rights Reporting"; United Nations Publication; Sales No. E.91.III.K.Man/6;
- "The Convention on the Elimination of All Forms of Discrimination Against Women. The Reporting Process - A Manual for Commonwealth Jurisdictions"; Commonwealth Secretariat;
- Reporting Guidelines as laid down by the International Women's Rights Action Watch.

This report will consist of the following parts:
Part I provides general information regarding Aruba, as well as the general legal framework within which the rights, as defined in articles 1 to 16 of the Convention, are implemented.
Part II will provide more specific information relating to articles 1 to 16 of the Convention. The information given there is intended to supplement and illustrate the contents of Part I.

B. GENERAL INFORMATION ABOUT ARUBA

Aruba, the most western of the Leeward group of islands, was formerly part of the Netherlands Antilles. It is situated 15 minutes by air off the coast of Venezuela and 12 degrees north of the equator. Surrounded by the Caribbean Sea, Aruba is 19.6 miles long, 6 miles wide at its widest point and has an area of 70.9 square miles.

Aruba is one of the few islands in the Caribbean where traits of the native Indian population are still evident. The Aruban population today is a mixture of American Indian, European and African blood. The native language is Papiamento, while in addition most Arubans speak Dutch, English and Spanish. The official language is Dutch. However, plans exist to introduce Papiamento in addition to Dutch as the language of instruction in primary schools.

In Aruba some 40 plus nationalities have contributed to form a unique and peaceful society.
The main industry is tourism, while in 1991 the oil refinery resumed its operations after having been closed since 1985.

C. ARUBA'S PRESENT STATUS WITHIN THE KINGDOM OF THE NETHERLANDS

The present constitutional structure of the Kingdom of the Netherlands can be explained as follows.
Aruba is part of the Kingdom, which consists of three autonomous partners: the Netherlands, the Netherlands Antilles and Aruba. Prior to January 1, 1986, Aruba formed part of the Netherlands Antilles, but since then it has attained its current autonomous status ("Status Aparte") within the Kingdom of the Netherlands.

The Charter ("Statuut"), the highest constitutional instrument of the Kingdom, is a legal document sui generis, based upon its voluntary acceptance by the three countries. It consists of three essential parts. The first part defines the association between the three countries, which is federal in nature. The fact that together the three countries form one sovereign entity implies that a number of matters need to be administered by the countries together, through the institutions of the Kingdom. These matters are called Kingdom affairs. They are enumerated in the Charter, and include the maintenance of independence, defence, foreign relations, and proper administration.
The second part deals with the relationship between the countries as autonomous entities. Their partnership implies that the countries respect each other and render one another aid and assistance, material or otherwise, and that they consult and co-ordinate in matters which are not Kingdom affairs but in which a reasonable degree of co-ordination is in the interest of the Kingdom as a whole. The third part of the Charter defines the autonomy of the countries, which is the principle underlying the Charter.

Foreign affairs (including the authority to conclude treaties with other States and/or organizations) is, in accordance with Article 3 of the Charter, a Kingdom matter, being dealt with by the Council of Ministers of the Kingdom. This Council consists of the Council of Ministers of the Netherlands, supplemented with a Minister Plenipotentiary each for Aruba and the Netherlands Antilles.

The Charter also lays down that each of the countries is responsible for putting basic human rights and freedoms into effect, but it is the responsibility of the Kingdom as a whole to guarantee them (article 43, chapter 1).

D. GENERAL POLITICAL STRUCTURE

The Aruban Government system is a parliamentary democracy. Head of state is the Queen of The Netherlands, represented by a Governor. The Governor is appointed by the Queen upon the recommendation of the Aruban Council of Ministers.
The Council of Ministers is accountable to Parliament, which consists of one House. Members of Parliament are chosen in general elections every 4 years, on the basis of a multi party system.
The Governor and the Council of Ministers jointly form the Government of Aruba.

Table I. Results of Elections to Island Council (C) and Parliament (P)

Year	Number of persons with voting rights	Number of persons who actually voted	Valid votes	Invalid votes	Abstentions
1983	42 716 (C)	36 360	35 898	462	6 356
1985	43 393 (C)	37 033	36 642	391	6 360
1989	43 054 (P)	36 455	36 032	433	6 589

Source: Registry Office

Note: until 1986, when Aruba still formed part of the Netherlands Antilles, elections for both the Island Council and the (Antillean) Parliament took place. Since 1986 only Parliamentary elections take place.

2. LAND AND PEOPLE

A. DEMOGRAPHIC COMPOSITION

The development of the Aruban population during the period 1986 - 1991 is as follows:

Table II. Population, Annual Rate of Population Change And of Population Density.

Year	Population	Annual rate of population change (%)	Area (km2)	Population density (inh./km2)
1986	60 274	- 1.65	193	312
1987	59 881	- 0.65	193	310
1988	60 918	+ 1.73	193	316
1989	62 365	+ 2.38	193	323
1990	65 796	+ 5.50	193	341
1991	68 897	+ 4.71	193	357

Source: Central Bureau of Statistics; March 1992.

In October 1991 7,218 foreign nationals were registered in Aruba (see Table III). This represents about 10.82% of the total population. A foreign national in this context means a person who does not have Dutch nationality (to illustrate, nationals from Aruba, the Netherlands Antilles and the Netherlands have Dutch nationality).

Table IV. Population by Sex, per December 31.

Year	Inhabitants			
	Total	Males	Females	Females per 1000 males
1986	60 274	29 158	31 116	1 067
1987	59 881	28 978	30 903	1 066
1988	60 918	29 474	31 444	1 067
1989	62 365	30 183	32 182	1 066
1990	65 790	32 201	33 595	1 043
1991	68 897	33 846	35 051	1 036

Source: Central Bureau of Statistics; March 1992.

Table III. Population by country of nationality

Country of Nationality	Number	Country of Nationality	Number
North America		Europe	
USA	503	Netherlands	59469
Other North American country	40	United Kingdom	362
		Portugal	139
Central America		Other European country	161
Country in Central America	56	Asia	
		Philippines	256
South America		China	184
		Turkey	121
Colombia	1345	Other Asian country	95
Venezuela	1126		
Suriname	357	Africa	
Peru	139		
Other South American country	190	Country in Africa	17
Caribbean		Oceania	
Dominican Republic	1479		
Haiti	277	Country in Oceania	2
Jamaica	164		
Grenada	104	Other	
Other Caribbean country	118		
		No country of nationality (Stateless)	3
		TOTAL POPULATION	66.687

Source: 1991 Population and Housing Census; Central Bureau of Statistics (October 1992)

Table V. Migration by Place of Birth and Sex

	1988		1989		1990		1991	
	M	F	M	F	M	F	M	F
Persons adopting Aruba as Domicile								
Dutch nationals								
- born in Aruba	446	210	694	626	578	622	467	430
- born in Neth. Ant.	74	73	132	98	136	96	98	92
- born elsewhere	282	284	344	317	423	387	342	345
Foreigners	199	366	182	350	1310	884	1263	1192
TOTAL	1001	1210	1352	1391	2447	1989	2170	2059
Departures								
Dutch Nationals								
- born in Aruba	576	613	626	638	552	541	528	558
- born in Neth. Ant.	73	76	136	89	61	86	69	69
- born elsewhere	130	164	167	272	158	206	217	209
Foreigners	53	103	39	98	37	85	89	119
TOTAL	832	956	968	1097	808	918	903	955
Net Migration	169	254	384	294	1639	1071	1267	1104

Source: Registry Office

(1) Up to 1985 inclusive, Dutch nationals born in Aruba -whether establishing themselves or departing- were dealt with under the heading "Born in the Neth. Antilles". As from 1986, those born in the Netherlands Antilles are included under the heading "Born elsewhere".

The increase in the number of inhabitants in Aruba over the period 1986 - 1991 was mainly the result of substantial economic expansion. Due to a shortage of local labour, many foreigners were (and still are) recruited.
Although no registration is made of the number of people of a given nationality or ethnic descent working in each economic sector,

certain trends are perceptible. Most foreigners work in the construction, tourist and domestic sectors. Work in the construction sector is mostly performed by people from Venezuela, Colombia, the Dominican Republic and Turkey (specifically in the oil refinery). Regarding the tourist sector a distinction should be made between skilled and unskilled personnel. Unskilled work is mainly performed by people from Venezuela, Colombia, Peru, Chile and the Philippines, whereas most skilled work is performed by people from Aruba, the Netherlands and the USA. Work in the domestic sector is mostly performed by people from Haiti, Jamaica, Venezuela and Colombia.

In Aruba no registration is made according to race. For this reason no indication can be given of the number of colored and/or white people belonging to a certain social class.

A considerable number of foreign employees are not included in the Civil Register, as they have temporary working permits with their temporary residence permits. This applies to the approximately 150 Turkish nationals working in the refinery, as well as a substantial number of Italians, Venezuelans, Philippinos and Jamaicans working both in the construction and the tourist sector.

Table VI. Live births, Deaths, Birth Rate and Death Rate.

Year	Population	Livebirths	Deaths	Birth Rate (0/00)	Death Rate (0/00)
1986	60 274	1 014	377	16.8	6.3
1987	59 881	992	370	16.6	6.2
1988	60 918	949	335	15.6	5.5
1989	62 365	1 141	372	18.3	6.0
1990	65 796	1 140	419	17.3	6.4
1991	68 897	1 157	429	16.8	6.2

Source: Central Bureau of Statistics; March 1992.

Table VII. Vital Statistics.

	1988	1989	1990	1991
Live births	949	1 141	1 140	1 157
Deaths	335	372	419	429
Natural Increase	614	769	721	728
Persons adopting Aruba as domicile	2 211	2 743	4 436	4 229
Departures	1 788	2 065	1 726	1 858
Net migration	423	678	2 710	2 371
TOTAL MIGRATION	1 037	1 447	3 431	3099
Live births:				
per 1000 inhabitants	15.6	18.3	17.3	16.8
number of boys per 100 girls	113.7	92.1	108.8	115.1
Still births per 100 births	0.7	0.4	0.3	0.2
Number of illegitimate live births per 100 live births	33.1	34.5	36.8	36.8
Deaths:				
per 1000 inhabitants	5.5	6.0	6.4	6.2
under 1 year per 100 live births	0.7	0.4	0.4	0.5
Males per 100 females	93.7	93.8	95.9	96.6
Marriages per 1000 inhabitants	6.4	7.1	7.7	7.5

Source: Registry Office

Table VIII. Age Distribution, October 6, 1991.

Age	Total	Males	Females
0 - 4	5 539	2 965	2 574
5 - 9	5 497	2 833	2 664
10 - 14	5 227	2 653	2 574
15 - 19	4 501	2 313	2 188
20 - 24	4 413	2 244	2 168
25 - 29	5 780	2 859	2 921
30 - 34	6 753	3 349	3 404
35 - 39	6 169	2 954	3 216
40 - 44	5 103	2 476	2 627
45 - 49	4 078	1 941	2 137
50 - 54	3 586	1 699	1 887
55 - 59	3 054	1 429	1 626
60 - 64	2 126	1 013	1 113
65 and older	4 856	1 761	2 766
Total	66 687	32 821	33 866

Source: Population and Housing Census, 1991.

Table IX. Life expectancy of the population by age and sex, 1992.

Age	Male	Female
at birth	71.64	76.76
1	71.28	77.00
5	67.50	73.11
10	62.58	68.34
15	57.76	63.38
20	53.15	58.42
25	48.68	53.57
30	44.00	48.89
35	39.36	44.01
40	34.75	39.17
45	30.51	34.49
50	26.46	29.89
55	22.50	25.24
60	18.86	20.98
65	15.18	16.96
70	12.33	13.38
75	9.28	10.13
80	6.66	7.36
85	4.37	4.55

Source: M. Koningstein, 1985.

Table X. Average age of the population, December 31.

	1986	1987	1988	1989	1991
Total:	32.0	32.4	32.7	32.7	30.8
Males	31.3	31.5	31.8	32.0	30.2
Females	32.8	33.2	33.5	33.3	31.3

Source: Population Register.

B. HOUSING

Table XI. Households and population in households by type of dwellings.

	Absolute		Relative	
	Households	Population	Households	Population
Housing units				
House	16708	60334	86.7	90.5
Appartment/room	1830	3821	9.5	5.7
Trailer/container	156	405	0.8	0.6
Cuarto	497	1159	2.6	1.7
Other	20	67	0.1	0.1
Not reported	14	23	0.1	0.0
All housing units	19224	65807	99.7	98.7
Collective dwellings				
Home for the elderly	3	222	0.0	0.3
Orphanage	2	67	0.0	0.1
Nursing home	3	46	0.0	0.1
Collective living quarters for employees	9	280	0.0	0.4
Prison	1	201	0.0	0.3
Other	1	33	0.0	0.0
Not reported	-	-	-	-
All collective dwellings	20	848	0.1	1.3
Homeless				
Households/population	32	32	0.2	0.0
Total households/ population	19276	66687	100.0	100.0

Source: Population and Housing Census, October 1991.

C. RELIGION

Table XII. Religion by sex

	Male	Female
Roman Catholic	28420	29032
Methodist	502	591
Anglican	163	280
Protestant	880	915
Adventist	163	253
Evangelist	557	764
Jehova's Witness	393	500
Moslim	160	58
Jewish	77	77
Other	473	540
No religion	991	818
Not reported	41	37
TOTAL	32821	33866

3. ECONOMY AND LABOUR

A. ECONOMIC SYSTEM

Aruba has an open economy which, because of its small scale, is dependent on imports from abroad and export trade. Since most goods are imported, it is necessary, in order to maintain a proper balance of trade, to expand Aruba's export market beyond the natural resources available.

Furthermore, Aruba is characterized by the absence of commercially exploitable mineral resources; labour costs which are among the highest in the region; limited fresh water resources; soil salination; a dry climate and a strong trade wind. In addition, the sea surrounding Aruba does not provide for extensive fishing. Consequently, the development of manufacturing and agricultural sectors has been hindered.

B. ECONOMIC BACKGROUND

Until March 1985, the mainstay of the Aruban economy was the large EXXON oil refinery (Lago) in San Nicolas, which accounted for one third of Government revenues and almost 50% of foreign exchange earnings. Tourism was a second source of income, the development of which had been encouraged by an active Government policy since the late 50s. The closure of the refinery in 1985 together with a sharp decline in oil prices, which led to a massive devaluation of the Venezuelan Bolivar and halted the Venezuelan tourism to Aruba almost completely, dealt a heavy blow to the economy, causing a decline in Gross Domestic Product (GDP) of nearly 18% in real terms, up to 20% unemployment, a sharp swing to deficit on the current account of the balance of payments and a considerable deterioration of the public finances.

In response, the Government adopted an adjustment program with the financial support of the Government of the Netherlands and the technical assistance of the International Monetary Fund. This program focused on efforts to expand the tourist sector as the new engine of growth, a number of tax measures and a substantial cut in wages to contain financial disequilibrium in the fiscal and external accounts. The expansion of the tourist sector entailed Governmental support in a number of areas. Of particular importance, however, was the guarantee program by which the Government issued guarantees to the institutions financing the hotel projects.

These Government measures led to an investment boom in tourism and related services. This resulted in a boost to economic growth and Aruba's GDP increased significantly over the period ending in 1990. Reflecting the strength of economic activity some 10,000 new jobs were created in the past few years, virtually erasing unemployment. Furthermore, the number of tourists visiting Aruba has increased sharply, as shown in Table XIII. Coupled with the inflow of foreign investment capital, international reserves increased and reached Afl. 267 million at the end of 1990. The reserve position remained stable at about 3.5 months of imports, which is viewed internationally as an adequate ratio.
In addition, the Government's public finances improved significantly.

Table XIII. Tourism statistics

Years	Tourist bookings per night	Tourist Arrivals	Revenues in Afl. Mill.	Avg. Exp. in US$
1985	1.362.954	206.755	226.5	612,00
1986	1.290.836	181.211	283.0	872,50
1987	1.628.364	231.582	390.8	942,00
1988	2.079.957	277.973	483.7	972,00
1989	2.657.172	344.336	548.4	890,00
1990	3.379.993	432.762	625.6	807,00
1991	3.768.334	501.324	695.3	775,00

Source: Aruban Investment Bank, 1992.

Table XIV. Employees by age and sex

Age	Total	Male	Female
14 - 19	746	397	349
20 - 24	3 027	1 611	1 416
25 - 29	4 558	2 454	2 104
30 - 34	5 316	2 949	2 367
35 - 39	4 721	2 614	2 107
40 - 44	3 779	2 205	1 575
45 - 49	2 781	1 700	1 081
50 - 54	2 069	1 319	750
55 - 59	1 248	877	371
60 - 64	501	372	129
65+	386	294	92
Not rep.	86	42	45
TOTAL	29 220	16 834	12 385

Source: Population and Housing Census, 1991.

Table XV. Gross Domestic Product by uses (Afl. million)

	1988	1989	1990
Private consumption	688	836	1019
Private investment	258	332	378
Government Expenditure	273	294	320
Total Domestic Demand	1219	1462	1717
Net Imports Goods and Services	- 64	-116	-143
Gross Domestic Product	1155	1346	1574
GDP Growth (%)	21	17	17

Source: Central Bank Estimates

Table XVI. Employment by sectors (as per September)

sector	1988	1989	1990
Agriculture, Fishery and Mining	58	58	58
Industry	680	680	680
Construction	3132	3271	4382
Hotels	3000	3300	4200
Retail trade	3150	3250	3950
Restaurants and Bars	1150	1450	1750
Public bodies	452	418	460
Wholesale trade	723	723	723
Transport/Communication	1099	1547	1740
Professional/Business Services	1645	1854	1927
Government	3690	3257	3550
Other	1675	2918	2950
Total Wage Earners	20454	22726	26370
Self Employed	2000	2500	2500
Total employed	22454	25226	28870

Source: Department of Labour

Table XVII. Unemployment Rate

	1981	1984	1986	1987	1988
Unemployment Rate	9.4	19.4	19.7	14.6	6.8

Source: DEACI (estimations).

4. SOCIAL AFFAIRS

Despite the economic expansion that Aruba has enjoyed in recent years, some inhabitants are unable, whether temporarily or for a longer period of time, to provide for themselves. To deal with this problem Aruba has a social security system, the main features of which are as follows:

A. GENERAL WIDOWS AND ORPHANS INSURANCE

1. Objective: To make provision for the insured person's next of kin.

2. Definition of persons deemed to be insured:
Every person reaching the age of 15 is insured if he or she:
a) is a resident of Aruba;
b) though not a resident of Aruba, is deemed to be living in Aruba and liable to pay tax on that basis when assessed for income tax purposes;
c) is neither a resident of Aruba nor liable to be regarded as living permanently outside Aruba, and is both:
   i) a Dutch national and
   ii) receiving a salary or wages from the state of Aruba for work being performed outside Aruba.

3. Definition of beneficiaries
a) The widow of a person insured.
b) The children of an insured man who are either legitimate or have later been given the status of legitimacy, as well as the insured man's natural children in respect of whom he has acknowledged paternity.
c) The natural children of an insured deceased woman, in respect of whom the father has not acknowledged paternity.

4. Terms of insurance
a) The widow of an insured man must be less than 62 years old to qualify as a beneficiary.
b) The children of an insured man must be less than 15 years old to qualify as beneficiaries.
c) On the decease of an insured woman, those of her children who are aged less than 15 years are beneficiaries if they are either orphaned by her death or they are her natural children in respect of whom the father has not acknowledged paternity.
d) Children between 15 and 25 years of age are beneficiaries if their time is wholly or largely spent in education or vocational training, or if they are permanently incapable, through illness or

disability, of earning one third of the amount that may be earned by children of equivalent age and ability who are in good physical and mental health.

5. Level of widow's pension

The rate of a widow's pension depends on her age:

< 40 years of age.....Afl. 131 per month
40-49 years of age.....Afl. 177 per month
50-59 years of age.....Afl. 233 per month
60-61 years of age.....Afl. 293 per month.

6. Level of orphan's pension

a) For a child who has either been orphaned by the decease of the insured person or, in the case of a natural child in respect of whom the father has not acknowledged paternity, who has become motherless, the orphan's pension is paid according to the following rates:

children under 10 years of age.....Afl 104 per month
children of 10-15 years of age.....Afl 113 per month.

b) For a child who has become fatherless the following rates apply:

children under 10 years of age.....Afl 96 per month
children of 10-15 years of age.....Afl 104 per month.

c) The orphan's pension for children fulfilling the requirements set out in paragraph 4c is Afl. 113 per month.

B. ACCIDENT INSURANCE

1. Objective

To provide benefit entitlement for an employee who has met with an accident in connection with his/her work or for his/her surviving relatives.

2. Definition of persons deemed to be insured:

The employee him- or herself or, in the event of the worker having died as a result of the accident, his/her surviving relatives (further defined below).

3. Entitlement

a) Medical treatment and nursing.
b) Benefit payment ("accident money").

The following surviving relatives of a worker who has died as a result of an accident are entitled to receive benefit:
a) The wife of the deceased worker, or his ex-wife to whom he was obliged to pay maintenance, until she remarries. Benefit for the wife is fixed at 30% of the daily wage;
b) The husband of the deceased worker in the event that the latter was his breadwinner, until he remarries. Benefit is fixed at 30% of the daily wage;
c) All legitimate children or natural children in respect of whom the deceased worker has acknowledged paternity
- until the day on which the child reaches 15 years of age;
- children between 15 and 25 years of age are beneficiaries if their time is wholly or largely spent in education or vocational training, or if they are permanently incapable of earning one third of the amount that may be earned by children of equivalent age and ability who are in good physical and mental health.
d) The parents of the deceased worker are beneficiaries, if he was their breadwinner, until the decease of the longest surviving parent. Benefit is fixed at a maximum of 30% of the daily wage, on the understanding that the total amount of benefit shall not exceed 60% of the daily wage.

C. GENERAL OLD AGE INSURANCE

1. Objective
The insurance provides the person insured with an old age pension on attaining 62 years of age.

2. Definition of persons deemed to be insured
Every person who has attained the age of 15 is insured if he or she:
a) is a resident of Aruba;
b) though not a resident of Aruba, is liable to pay income tax in connection with paid employment performed in Aruba;
c) is neither a resident of Aruba nor liable to be regarded as living permanently outside Aruba, and is both:
i) a Dutch national and
ii) receiving a salary or wages from the state of Aruba for work being performed outside Aruba.

3 Beneficiaries
Every person who is a resident of Aruba or, though not a resident, is liable to pay income tax in connection with paid employment performed in Aruba.

4. Level of benefit
a) for a single person.....Afl. 396 per month
for a married couple.....Afl. 667 per month

b) for a married man and for a married woman whose husband has not yet attained 62 years of age and who may be regarded as the breadwinner .....Afl 593 per month

D. REDUNDANCY INSURANCE

1. Objective
The insurance provides an employee who loses his/her employment through no fault of his/her own with a lump sum payment.

2. Beneficiaries
Every employee is a beneficiary (pursuant to Article 1613a of the Civil Code) with the exception of those working for a public authority and those working (whether as a teacher or in an administrative capacity) within the subsidised education sector.

3. Level of benefit
a) From the first until the tenth full year of service, entitlement amounts to one week's wages for each year of service.
b) From the eleventh until the twentieth full year of service, entitlement amounts to 125% of the weekly wage for each year of service.
c) From the twenty-first year of service onwards, entitlement amounts to 200% of the weekly wage for each year of service.

E. HEALTH INSURANCE

1. Objective
This legislation entitles employees to compensation in case of sickness, consisting of the costs of medical treatment and sick pay. Pregnancy and childbirth are treated as sickness in this regard.

2. Beneficiaries
All those working for an employer, whether on a permanent basis or according to the terms of a contract.

3. Terms of insurance
An employee working a six-day week may not earn more than Afl. 86.65 per day; an employee working a five-day week may not earn more than Afl. 103.98.

4. Entitlements
The compensation granted on the basis of this Country Ordinance consists of:
a) Medical treatment and nursing;
b) Sick pay to compensate for loss of wages as a result of sickness.

F. OLD AGE PROVISION

1. Beneficiaries

All Dutch nationals resident in Aruba who have lived without interruption in Aruba or the Netherlands Antilles for the previous six years.

2. Terms of entitlement

Dutch nationals are eligible for this provision provided they have attained the age of 60 but are not yet 62 years of age.

3. Level of entitlement

a) for a single person.....Afl. 293 per month.
b) for a married woman who is a breadwinner, and for a married man.....Afl. 497 per month.

G. FREE MEDICAL TREATMENT

1. Objective

This legislation guarantees free or subsidised medical treatment for all those whose income falls below a certain level.

2. Beneficiaries

a) all those whose gross (family) income falls within the range of table A, and who are not legally insured elsewhere, and who are also unable to arrange for such on the basis of a specific collective insurance;
b) all those whose gross (family) income falls within the range of table B, and who can furthermore prove that they have been refused insurance by an insurer, whether totally or for certain disorders;
c) foreign nationals one of whose parents is a Dutch national born in Aruba, whether a legitimate child or one in respect of whom the father has acknowledged paternity;
d) foreign nationals who are married to a Dutch national born in Aruba.

3. Terms

a) Those in possession of savings or other liquid capital assets will be refused free medical treatment if and for as long as the assets in question exceed
   - Afl. 10,000 for the breadwinner of a family, to which Afl. 1,500 may be added for each member of the family, or
   - Afl. 7,500 for a single person.

b) If the head of a family and/or his wife is 60 years of age or more, the income of any children still living at home is left out of consideration for the purposes of determining the gross family income.
c) If the gross income of a family or a single person falls within the range of table A, medical treatment is completely free. If the gross income comes within the range of table B, however, the persons concerned are obliged to contribute a sum of up to 15% of

their gross income.
d) Any child still living at home who is eligible for this provision on the basis of his/her income, is deemed to be the head of the family in this connection, and is furnished with the relevant medical card.

No. of persons in family	Table A income per month	Table B income per month
1	400	401-1440
2	600	601-2040
3	800	801-2640
4	1000	1001-3240
5	1150	1151-3840
6 and above	1300	1301-4200

H. SUPPLEMENTARY BENEFIT (FAMILY ALLOWANCES)

1. Objective

To provide social assistance in the form of financial benefit to meet the costs of subsistence. The basic principle underlying this provision is that each individual is responsible for providing for himself or herself by income derived from employment.

Employment is compulsory in Aruba; all unemployed persons are obliged to register at the Job Centre and to accept suitable work.

2. Beneficiaries

This provision is intended to help households/families who have no or insufficient income, and are ineligible for other benefit or other assistance on the basis of statutory regulations.

The following persons are eligible for assistance of this kind:
a) Dutch nationals born in Aruba;
b) Dutch nationals who, although not born in Aruba, have lived there for at least three years;
c) Foreign nationals who are married to a person who meets the requirements referred to in point a or b, as long as they continue to form part of the family (or to run a common household);
d) Unmarried minor foreign nationals belonging to the family of persons qualifying under point a or b above;
e) Foreign nationals who have submitted a request for naturalisation.

3. Level of benefit

The sum payable for the head of a family is Afl. 265 per month.

5. EDUCATION

The present Aruban education system is largely modelled on the Dutch system, and may be divided into the following levels and types:

Pre-school playgroups for children aged 0-3 years.

Nursery education for children aged 4-5 years.

Primary education for those aged 6-11 years.

Special primary education, divided into:
- education for children with learning difficulties (MLK);
- education for children with severe learning difficulties (ZMLK).

Secondary education (AVO and LBO) for children aged 12 to ±17, divided into:
- junior technical education (LTS);
- junior secondary home economics education (LHNO) and the follow-up courses taught at the Paso Sigur school (PSS);
- economic, tourist and administrative education (ETAO);
- junior general secondary education (MAVO);
- senior general secondary education (HAVO);
- pre-university education (VWO).

Post-secondary education (MBO, HBO, WO) for children of ±15-18 years and older, divided into:
- senior secondary technical education (MTO);
- senior secondary administrative education (MAO);
- hotel management (Aruba Hotel School);
- teacher training courses (Instituto Pedagogico Arubano);
- the University of Aruba (UA), Law Faculty.

Adult education for school-leavers in the 15+ age range.

6. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. GENERAL

The main frame of reference for basic human rights (including civil and political rights) in Aruba is the Constitution ("Staatsregeling"), Chapter I of which, and to some extent the other chapters, enshrine the most important basic human rights.

In addition, since Aruba attained its current Status Aparte (semi-sovereign status) in 1986, the relationship between the Netherlands Antilles and Aruba is covered by the Co-operation Agreement ("Samenwerkingsregeling"), article 3 of which directs the countries to incorporate human rights, as laid down in the European Convention on Human Rights of 4 November 1950, into their legislation.

Although, torture for example, is not dealt with as such in Aruban legislation, the Aruban Criminal Code contains provisions that cover this serious crime, as well as other crimes such as incitement to racial hatred, instigating the publication of discriminatory material etc.

Several other regulations that are of importance in connection with the rights, enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women will be treated in the second part of this report.

B. OBLIGATIONS ARISING FROM OTHER INTERNATIONAL INSTRUMENTS

In addition to the Convention on the Elimination of All Forms of Discrimination Against Women, Aruba is a party to the following instruments containing provisions regarding human rights:

(a) The International Convention on Civil and Political Rights;
(b) The International Convention on Economic, Social and Cultural Rights
(c) The International Covenant on the Elimination of all Forms of Racial Discrimination;
(d) The International Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
(e) The European Convention for the protection of Human Rights and Fundamental Freedoms;
(f) The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
(g) The European Social Charter.

7. INFORMATION AND PUBLICITY

In connection with the various human rights reports that Aruba is obliged to draw up at periodic intervals, it was necessary to devise a suitable structure for the procurement of the requisite information from government bodies. To this end, an Aruban human rights committee was appointed in 1991, its members drawn from 17 government bodies and NGOs, which together provide the material for the reports.

This had two beneficial effects: firstly, it designated certain persons as permanent liaison officers, and secondly, it had a consciousness-raising effect concerning the existence and importance of human rights within the government bodies involved.

Within the context of the Kingdom, close ties were built up for cooperation in the area of human rights, leading inter alia to the holding of two workshops, each of which took certain specific conventions as its theme. A workshop of this kind is planned to take place in 1993.

Informing the population concerning human rights is one of the tasks that the human rights committee has taken upon itself. In addition to the publication of a comic strip about the Convention on the Elimination of All Forms of Discrimination against Women, a start was made in November 1993 on a series of articles in local newspapers about human rights and their importance for the individual member of the public. These articles, too, are thematically oriented, each dealing with a specific convention or an aspect of it. Another project to be launched in 1993, in collaboration with the Aruba division of Amnesty International, is a publicity campaign on human rights to be conducted at a variety of Aruban schools.

PART II - SPECIFIC INFORMATION

ARTICLES 1-3: LEGISLATIVE AND POLICY MEASURES TO ELIMINATE DISCRIMINATION AND ENSURE THE FULL DEVELOPMENT AND PROGRESS OF WOMEN

Two points must be noted in respect of the question concerning the extent to which measures to eliminate discrimination against women are regulated by law. First of all, Aruban legislation does not contain an express definition of the term "discrimination against women". Nor is there any definition of the term "discrimination" itself, although it does occur in legislation. Article I.1 of the Constitution of Aruba prohibits:

> "discrimination on the grounds of religion, belief, political opinion, race, sex, colour, language, national or social origin, association with a national minority, property or birth or on any other ground whatsoever."

In sharing the view of the Committee that the present Convention does not cover discrimination on the ground of sex, which is regulated in other conventions, the Government of Aruba observes that the reference to "sex" in article I.1 as a (potential) ground of discrimination is not regarded as a reference to "discrimination against women". However, the Government is of the opinion that the list included in article I.1 is of an enumerative nature owing to the inclusion of the words "or any other ground whatsoever". Discrimination against women is therefore implicitly covered by the equality article in the Constitution of Aruba.

The second point to be noted in respect of the legislative regulation of the elimination of discrimination against women is that a large number of measures have recently been taken to rectify the unequal and unfair treatment of women in certain areas (e.g. public sector pay). In the Kingdom's third report on the International Covenant on Civil and Political Rights, this matter was dealt with at length in relation to article 2. The amendments have not only become law but have also been put into effect in practice. As a result, there is no longer any distinction between men and women in these areas. There have been various court cases vindicating the position of women on

the principle of "equal work, equal pay" (see annex 4). In consequence, the authorities have adjusted salaries in the public sector so that men and women now receive the same.

There are still, however, several areas where there could be said to be unequal treatment or even perhaps a situation in which women are disadvantaged or restricted. The Government of Aruba wishes to stress that it is not opportune to expect every form of distinction (whether in law or in practice) to be removed immediately. Taking into account, among other things the constraints on the machinery of government due to its limited size and the multitude of subjects requiring attention, the Government advocates a more gradual approach to adjustments. In cases where a particular distinction is unjust and causes discrimination against women within the meaning of this Convention, the Government will study ways of eliminating the distinction.

The references below are to the non-discrimination provisions in the Constitution of Aruba.

Article I.2 Every Netherlands national is eligible to be appointed to public service. Provisions governing incompatibility are regulated only in respect of a number of positions. For example spouses may not both hold the following offices at the same time: article II.4 (minister), article III.8 (member of parliament), article IV.2, paragraph 6 (member of the Advisory Council) and article IV.6, paragraph 6 (member of the Chamber of Audit). In practice, appointments are made on an equal footing. Women presently hold the following positions: Minister Plenipotentiary, several departmental heads, secretary of the Guardianship Council, and secretary and deputy secretary of the Advisory Council.

Article I.3 Subject or pursuant to restrictions imposed by statute, everyone has the right to inviolability of his person. Limitations resulting among other things from the Aruban Code of Criminal Procedure, the Prisons Act and the Road Traffic Act (blood tests) apply to everyone equally. Protection of the person is the object of various provisions in the Aruban Criminal Code, including those relating to assault and rape (articles 244-266 and 287-322).

Article I.5 Everyone has the right to liberty and security of person. The prison legislation applies to everyone equally, as does other legislation including the Admission and Expulsion Act.

Section 1 (1)(d) of the Admission and Expulsion Act refers, however, to "the members born outside Aruba of the legitimate family of a man of Netherlands nationality". The effect of this provision is that only the legitimate family of an Aruban man may be admitted to Aruba, not the legitimate family of an Aruban woman. In practice, however, the provision in question has for a long time been interpreted in such a way that it applies equally to the legitimate family of a woman. New Aruban legislation on admission and expulsion is currently being prepared. This completely alters the system of admission and abolishes the discriminatory provision.

Article I.6 Everyone who is charged with a criminal offence is presumed innocent until proved guilty in accordance with Aruban legislation. Everyone who is charged with a criminal offence has the right, among other things, to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him and of his right to have legal assistance. Under the Code of Criminal Procedure everyone is equal.

Article I.7 Everyone is entitled to legal assistance in legal and administrative proceedings. The Free Legal Aid Act (AB 1991, no. GT 45) applies to "every person who is ordinarily resident in Aruba and who is destitute or of limited means". However, in the case of married women wishing to petition for divorce the income of the husband or - if both spouses work - their joint income is the decisive factor (section 2 (1) of the said Act).

Article I.8 Everyone lawfully in the territory of Aruba has the right to liberty of movement and freedom to choose his residence, subject to any restrictions provided by or pursuant to Aruban legislation. A different arrangement applies, however, to people coming to Aruba to do domestic work. They require for a period of 10 years a written statement from a local Aruban national vouching for them. During this period they are not permitted to perform other kinds of work. The arrangement was originally introduced to protect both parties. The employer, being largely responsible for his employee, required some degree of security to cover what he had provided. At the same time, the arrangement gave the foreign worker the assurance of a wage, living accommodation and meals.

However, legislation is now being drafted to extend the ordinary admission regulations to cover this group of domestiic workers (residence permit for one year without the restriction of staying at a particular place).

Article I.10 No distinction is made with regard to either the right to vote or the right to stand for election. Articles III.6 and III.7 regulate the incompatibilities.

Article I.12 No distinction is made with regard to the freedom of expression.

Article I.14 No distinction is made with regard to the submission of petitions. The Act designating officials through whom petitions may be submitted by persons who cannot write (AB 1990, no. GT 70) applies equally to everyone.

Article I.15 No distinction is made with regard to freedom of religion or belief. Once a person has "joined" or "chosen" a particular religion or belief, however, a distinction may be made (for example, no female priests in the Roman Catholic Church).

Article I.16 Everyone has the right to respect for his private life, subject to any restrictions provided by or pursuant to Aruban legislation.

Article I.17 Entering a dwelling without the express consent of the occupant is permitted only in those cases specified by Aruban legislation by those persons designated by or pursuant to such legislation and also with a special written authorisation of a judicial authority for this purpose.

Article I.18 No distinction is made with regard to the privacy of correspondence.

Article I.19 Everyone is entitled to the peaceful enjoyment of his possessions, subject to any limitations imposed in the public interest by or pursuant to legislation. Within marriage, however, the principle of the "community of property" applies (article 165 et seq. of the Aruban Civil Code), under which both spouses have the same rights to possession of goods; this does not apply where there is a marriage contract.

Article I.20 No distinction is made regarding the right to education.

Article V.22 In promoting the provision of sufficient employment the authorities have in principle a duty towards everyone.

Article V.23 In promoting public health the authorities have in principle a duty towards everyone. The General Medical Insurance Act, which has been passed but not yet entered into force, applies to everyone. Help during confinement will be covered by it. The present Health Insurance Act (which applies to workers but not to housekeepers) provides entitlement to medical treatment and nursing in the case of sickness, with which pregnancy and confinement are equated for this purpose (section 3 (2)). Section 5 (1) regulates maternity leave: women are treated as unfit for work for 30 days before and after confinement. Under section 26 (1), part I.d, a male public sector employee is entitled to two days' special fully paid leave for his wife's confinement. There are no statutory provisions regulating maternity leave as such (but in practice it comes under the arrangements for a contribution towards the medical expenses). However, provision is made for a contribution towards the costs of help during confinement (Contribution to the Medical Expenses of Public Sector Employees Act [AB 1990 no. GT 39]) and in certain circumstances the husband too may be entitled to claim free help during confinement for his wife (Free Obstetric Treatment Decree).

Article V.24 Official assistance for Netherlands nationals in Aruba who are unable to support themselves may be granted to any person under the National Assistance Decree (AB 1988 no. 88).

As regards the place which the present Convention has in the national legal order and its effect in relation to third parties, reference should be made to article 5 of the Kingdom's third report on the International Covenant on Civil and Political Rights.

Equal rights, opportunities, freedoms and responsibilities for men and women cannot be achieved without broad social support from government, social organisations and individuals. Government plays an important role in this by setting objectives, establishing policies and developing instruments to advance women's rights. This is because a coherent policy on women's rights requires a well-coordinated framework and the development of instruments for monitoring, testing quality and measuring effect. In this respect, the need for a national

machinery to support the policies of national governments on women's rights is being increasingly recognised internationally. For the time being there is no such machinery for women's rights in Aruba. Although an official was appointed at the Social Affairs Department in 1986 to act as a "focal point" for women's affairs, this did not result in the development of a comprehensive and interdepartmental policy on women's rights partly due to a lack of clarity about the powers and responsibilities of the official concerned. If a coherent policy on women's rights is to be developed, it will be necessary to have an interdepartmental coordinating body responsible for ensuring that the efforts to achieve integration are included in policy in all relevant areas. Preference should in this respect be given to an interdepartmental committee, possibly with the "focal point" acting as a coordinator. The powers and responsibilities of the "focal point" should also be defined more clearly.

ARTICLE 4: SPECIAL MEASURES

The participation of the population in the economic activities of the island rose by over 20 per cent between 1981 and 1991. This rise was mainly due to the greater involvement of the female members of the labour force in the labour market. In 1981 only 38 per cent of the female population aged 14 and over had a job, but by 1991 the figure had risen to 50 per cent. Owing to the greater participation of women in the labour market, they accounted for 42.5 per cent of the labour force of Aruba in 1991. In 1981 the figure was still only 36.7 per cent.

Owing partly to the present economic situation, in particular the acute shortage of manpower, there are plans to encourage more women to join or rejoin the labour market. These plans involve, for example, the provision of child care facilities (nurseries) and measures to facilitate part-time work.

Although the principle of equal pay for equal work was still not applied in all cases, women have won various court cases in which they claimed the benefit of this principle. As a result, the authorities have introduced equal pay provisions for male and female public sector employees.

In view of recent structural changes in Aruban society, especially the increased participation of women in education and in the labour market, it is safe to say that no need is felt for special temporary measures to accelerate the process of equality between men and women.

ARTICLE 5: STEREOTYPES

As in most societies, there is a distinction in Aruba between the roles played by men and women in the family and in society. In traditional Aruban culture, the husband is the breadwinner and the wife is responsible for raising the children and doing the housekeeping.

The conjugal family is the dominant form of cohabitation in Aruba. The type of family could therefore be described as "matricentral"; in other words, the wife has a central position in raising the children and in organising the family. It is she who is primarily responsible for the upbringing of the children, while the husband handles contacts with the outside world.

Furthermore, certain types of work are regarded as being typically male or typically female. In retail and catering there is a great preponderance of women: almost half of all women work in these sectors, compared with only a quarter of the men. Women are especially underrepresented in the manufacturing and construction industries. Although police work is regarded as a typically male occupation, the Government has the impression that society has come to accept women in the police force. The Aruban police force has around 244 officers, of whom 24 are women.

Male and female stereotypes still abound in schoolbooks and in the media. People in education are aware of this (for example of the outmoded drawings and examples in the books), but it will still be some time before all the school material can be completely renewed. In some respects the media continues to play an undermining role by reinforcing the stereotype image of woman as a sexual object (advertising and the large number of beauty contests). The South American continent also exercises a major cultural influence in this respect (particularly through the medium of television).

The increased participation of Aruban women in education and employment has, however, greatly helped to strengthen their economic position, enabling them to operate more independently in the family and in society. As a result of the greater independence of women, views on traditional role patterns are being increasingly undermined. Cultural influences, for example through tourism, the media and education, are accelerating this process.

The Roman Catholic Church, which has traditionally been a stout

defender of the retention of unequal role patterns, is now also contributing to the changes referred to above. In recent years, for example, it has insisted that couples wishing to marry should first follow a preparatory course. One of the principles propagated in this course is the equality of men and women in marriage.

The authorities too are playing an important role in doing away with traditional role patterns, for instance by eliminating discriminatory provisions in legislation and official schemes. Examples are the introduction of a system of equal pay for men and women in the public sector, the granting of child allowance to single mothers and the provision of more and better child care facilities.

In 1975 the authorities abolished the contractual incapacity of married women. However, there are still provisions of family law which assign a subordinate position to women. For example, men are even now regarded as the head of the family (see also article 15 of the present Convention). And women are still for the most part responsible for the upbringing of children and for tasks in the home.

In the 1970s various women's groups were formed to support women in their struggle for equal rights within their own social environment. The umbrella organisation - MAMONA - was established in order to initiate activities designed to make women more aware of their rights.

Achieving equality between men and women requires a collective effort on the part of government, organisations in society and others. For the time being a "focal point" for women's affairs has been appointed by the authorities. However, the powers and responsibilities of this office are unclear, as are the results of the activities carried out to date.

After completing the CEDAW report, the Foreign Relations Department intends to ensure that attention is paid to this subject in the media in Aruba. A start has already been made on this with the publication of a series of articles in local newspapers intended to create a greater awareness among the population of the subject of human rights and the treaty obligations resulting from the various human rights conventions. In addition, there are plans to bring this subject to the attention of the schools in the coming year with the help of UN publicity material and in cooperation with the Education Department and the Aruban branch of Amnesty International. Material is now supplied on an ad hoc basis to schools which wish to devote special attention to this theme. To provide a simple explanation of the present Convention an informative booklet is currently being prepared in the form of a comic strip in Papiamento.

In 1993 a large-scale campaign aimed mainly at boys and men in the 15-35 age group will be started in the Netherlands. This publicity campaign is intended to make it possible to discuss the problem of sexual violence and to make people more aware of what sexual violence is and how it can be prevented. The Aruban Government has contacted the relevant authorities in the Netherlands to examine what scope there is for extending this campaign to Aruba using material and documentation from the Netherlands. Depending on pressure of work and the availability of personnel, the juvenile and vice section of the police force provides information about sexual abuse to schools and other organisations. The information is not directly aimed at changing male behaviour, but does to some extent serve this purpose.

As regards general recommendation no. 12 (Eighth Session, 1989) entitled "Violence against Women" of the Committee on the Elimination of Discrimination against Women, it should be noted that no systematic study of this subject has yet been undertaken.

Cases of sexual violence are dealt with by the juvenile and vice section of the police force. Women victims are first of all put at their ease and told what will happen and what kind of questions will be asked and why. If they indicate that they would prefer to talk to a woman police officer, this is arranged.

It is very difficult to estimate the extent of marital violence. It seems safe to assume that some victims do not file a complaint. If a woman reports an assault, the police institute an investigation and where necessary press charges. Quite often the wife comes back later wishing to withdraw the charges as everything has been put right between the spouses.

As regards the assistance provided to female victims, use may be made of general facilities such as the Marriage and Family Problems Section of the Social Affairs Department. Specific provisions such as emergency reception facilities for battered wives are not yet available. However, in cases of sexual abuse of children the police notify the Guardianship Council, which assists and counsels the parents and the victim.

As far as sexual violence against women in prisons is concerned, it should be noted that male and female prisoners are segregated while serving their sentence in the Aruban Correctional Institution.

To improve the assistance given in cases of sexual abuse, a body has been established to coordinate the efforts of the various aid organisations. As a result of this collaboration, the Respetami Foundation ("Respect Me Foundation") has been

founded to combat the sexual abuse of children. The aim of the Foundation is to represent the interests of minor victims of sexual abuse and to prevent such abuse. In addition to giving actual assistance to the victims, the Foundation is helping to make the population of Aruba more aware of the problems in this specific area by providing information and instruction.

The first project to be carried out by the Respetami Foundation, which was founded in December 1991, was a campaign to disseminate information about child sex abuse by means of pamphlets and posters and through the media. In 1993 the Foundation will concentrate on three projects:

(a) establishing its own office and documentation centre where the general public can obtain information;
(b) conducting a general information campaign to make the general public aware of the problem of child abuse and its consequences;
(c) organising self-help groups for adults who were victims of sexual abuse in their childhood.

The Respetami Foundation has a board of seven people who work on a voluntary basis. The charter of the Foundation provides that half plus one of the board members must be people whose work involves them in contact with the victims of sexual abuse. In addition, the board receives support from both professional social workers and volunteers.

"Panda", a drawing and reading book for children aged 4 to 9 years, was recently published. The idea of the book is that children should learn from reading and drawing to protect themselves against child abuse. The Respetami Foundation intends to use the book in its information programmes for groups, parents and others who deal with children.

ARTICLE 6: TRAFFIC IN WOMEN AND PROSTITUTION

Prostitution occurs in Aruba as in most other countries of the world, but there cannot be said to be a traffic in women. The persons in question come to Aruba of their own accord and are generally registered as prostitutes. Although the prevailing view in society is that prostitution is morally repugnant, it is tolerated in the Aruban community.

As regards legislation on prostitution and the traffic in women, reference may be made to the following provisions. In addition to article I.5 of the Constitution of Aruba which relates to the right to liberty and security of person, article 2 of the Civil Code of Aruba contains the following express prohibition:

> "(...) Slavery and all other personal servitudes of any nature or description whatsoever shall not be tolerated in Aruba."

Prostitution is not in itself a criminal offence. The General Police Act (article 49) contains the following provision for the protection of public order and morals:

> "Women who are standing or sitting on the public highway or moving back and forth along it and attract the attention of passers-by by any pose, acts or display, and women who are found sitting on pavements or steps between 9 p.m. and dawn shall, if ordered by the police to refrain from so doing or to move on, immediately comply with such an order."

However, intentionally causing or encouraging prostitution is a criminal offence; article 259 of the Aruban Criminal Code (AB 1991, no. GT 50) provides that an offender is liable to a prison sentence not exceeding one year or a fine not exceeding one thousand florins. No one was convicted of this offence in the period under review. The same is true of article 260 of the Aruban Criminal Code, which provides that trafficking in women carries a maximum prison sentence of five years. Child prostitution is virtually unknown in Aruba and there is no specific legislation covering it.

In order to monitor and be able to control prostitution in general and its attendant problems in particular, the authorities directly involved (the Public Order and Security Department and the Aruban police force, i.e. the vice section) have drawn up policy rules relating to three categories of prostitutes:

(a) bar hostesses: women who serve in bars and also perform sexual acts with customers for reward. These women are given a 3-month residence permit which is conditional upon their working as a "bar waitress" in a suitable bar. The proprietor of the bar has to apply for the permit and vouch for the woman financially. The woman must agree to undergo a medical examination once a week. This is to facilitate preventive control of sexually transmitted diseases (including AIDS). After the 3-month period the woman has to leave Aruba and is not allowed to return for one year.

(b) registered prostitutes: a so-called "P" register lists women working as prostitutes - both women born in Aruba who have Netherlands nationality and women from abroad - who are aged over 15 and who are known to be working as such. Registration may take place because a woman reports of her own volition or because it is noticed that she is working as a prostitute. In the latter case the registration often takes place subject to protest. The effect of the registration is that the woman must submit to medical supervision and be examined at regular intervals. Since the women do not always apply to be taken off the register if they leave the country or cease working as a prostitute, it should be noted that the P register does not provide an accurate record of the situation. It is estimated that around 500 women should be registered as prostitutes.

(c) "tourists": some women who come to Aruba as tourists on a shopping trip sometimes stay longer than the legally permitted period for tourist residence and then go into hiding and engage in prostitution in order to support themselves. Although several places and buildings are known to be used for the purposes of prostitution, it is hard to get information about this category of women. It is also assumed that they do not have medical examinations carried out.

In addition to these three categories, prostitution is known to be carried on in the hotels. Clearly, this form of prostitution is almost impossible to monitor or control. A hotel manager cannot for example be expected to ask his guests why they want to hire a room.

Since in the majority of cases no clear and reliable survey of prostitution exists, it follows that no data are available on the extent to which prostitutes are confronted with violence or rape in the practice of their profession. Although the vice section of the police do keep track of the number of rapes, attempted rapes and assaults, the information is not classified by category of victim.

ARTICLE 7: PUBLIC AND POLITICAL LIFE

Articles I.10, III.4, II.5 and III.6 of the Constitution of Aruba provide that everyone may has the right to vote and to stand for election under universal and equal suffrage.

Article I.10 allows limits on both the right to vote and the right to stand for election. It goes without saying that the establishment of an age limit is justified. This has been set at 18 for the right to vote and 21 for the right to stand for election. Another limitation relates to the link with residence and possession of Netherlands nationality. Reference may also be made to limitations such as exclusion or [illegible]s of the right to vote by decision of a court (article III. [illegible] paragraph 2).

Although there are therefore no formal (de jure) obstacles preventing women from taking part in public life, the participation of women in politics and decision-making bodies is increasing only slowly. Below is a survey of the proportion of women in a number of political and social organisations of importance in terms of their decision-making powers in society. The figures show the number of women who have held the relevant post since the introduction of the separate constitutional status for Aruba in 1986. This shows the extent to which women are underrepresented.

Table XVIII. Position and number of women who have held the position since the introduction of separate constitutional status for Aruba in 1986

Position	Number
Governor	0
Minister	1
Member of Parliament	2
Member of the Socio-Economic Council	0
Member of the Advisory Council	0
Public Prosecutor	2
Judge	0

However, it should be noted that three women are presently following the training course for prospective members of the judiciary and that one male Aruban judge presently sits in the Joint Court of Justice of the Netherlands Antilles and Aruba. The present number of female heads of department in the civil service is three. Furthermore, women hold the leading posts of

Secretary to the Guardianship Council and Secretary to the Advisory Council. It is thought that there are more women managers in the private sector than in the public sector.

There are relatively few women in positions of authority in the trade union movement. However, women are very active in associations, foundations and social service clubs. Unlike the position in the public sector and the trade unions, more women hold managerial positions in this area. It is thought that in public life women do mainly voluntary (i.e. unpaid) work.

Before Aruban women were enfranchised in 1948, they played no role of importance in Aruban politics. A year later, in 1949, an Aruban woman first stood for election for a political party. Below is a table showing the number of women candidates on the lists of the political parties between 1962 and 1985.

Table XIX. Women in elections, 1962 - 1983[1]

	P	IC	P	IC	P	IC	P	IC	P	IC	P	P	IC
Election	62	63	66	67	69	71	73	75	77	79	79	82	83
Women candidates	0	3	0	0	0	0	1	2	4	10	3	6	13
Number of votes	0	951	0	0	0	0	473	494	878	749	170	1264	1005
Average	0	317	0	0	0	0	473	447	219	75	57	211	77

Source: CBS

(1) P = Parliamentary elections
IC = Island Council elections

Until 1977 few women stood for election. During the four elections which took place between 1966 and 1971 (both for Parliament and for the Island Council) not a single woman candidate was included in the lists of the various political parties. After Aruban women obtained full contractual capacity in 1975, this was reflected in a rise in the number of women standing as candidates for political parties. Prior to 1986 women mainly stood for election to the Island Council. This was probably partly because the Netherlands Antilles Parliament was based in Curaçao. In 1985 the Aruban population elected their own parliament for the first time.

The following table shows the results achieved by female politicians in the period 1983-1993.

Table XX. Results of female politicians in elections, 1983-1993

Year	Number of women on lists	Number of votes for women	Total number of votes	Average for women
1983	13	1005 (2.8%)	35.898	77
1985	19	1431 (3.9%)	36.642	75
1989	20	1793 (5%)	36.032	90
1993	32	?	?	?

Comparison of the results before and after Aruba obtained separate constitutional status reveals the following. The number of women standing as candidates before 1985 was smaller, but individually they achieved more votes than women candidates after 1985. The average number of votes cast for a female politician was between 11 and 473 before 1985 and between 78 and 90 in the period after 1985.

The following facts may shed some light on the influence of women in the political parties. Before 1983 a single political party had one female executive member who held the position of deputy treasurer. In the same period not a single woman held the position of president, secretary or treasurer of the executive of a political party. However, women did sit on the party council of the two major parties.

Another significant factor in this connection is the number of years women have been politically active on average. Of the women who stood for election prior to 1985 none had been active in any way in a political party before they became candidates.

Of the 37 female politicians who stood for election prior to 1983, 16 (43.2%) took part once in elections and 4 (10.8%) were candidates on four or more occasions.

Women tend to be approached by political parties shortly before elections and asked to stand as candidates. This means that female candidates have relatively little time to prepare themselves thoroughly for elections. Nonetheless, it is evident that in the above period women candidates attracted a relatively large number of votes.

Of the 27 female politicians who stood for election in 1985 and

1989, 13 (48%) were taking part for the first time; only 5 of the 27 (14.8%) stood for election four or more times.

Assuming that political experience is a possible determinant of political influence, it could be inferred from the above information that female politicians have as yet had little chance of actually exercising such influence.

In the period before Aruba obtained its separate constitutional status, two women held ministerial office and one woman sat on the Island Council. In addition, two women were members of the Netherlands Antilles Parliament. Since the separate status was obtained in 1986, Aruba has had one woman minister, the present Minister Plenipotentiary of Aruba in The Hague, and two female members of parliament.

An unprecedentedly large number of women (32) were on the lists of the political parties for the elections on 8 January 1993 (and for the first time a political party was led by a woman). In the 1989 elections the figure was 20. Of the 32 female candidates in 1993, 19 (59%) were standing for election for the first time. Only 4 (12.5%) were taking part for the third time or more. 5 (15.6%) were highly placed on the political list (numbers 1-5) and 11 (34.3%) were lowly placed (numbers 15 and over).

These figures suggest that the political parties are becoming increasingly aware of women's role both as voters and as politicians. Nonetheless, the number of women active in politics and in the government is not in proportion to the size of the female population or to the female share of the labour force. In the political parties women are often a small minority with little political experience and placed low on the list. This limits to some extent the influence which they can exert over government policy in general and policy on women in particular. Bearing in mind, however, the progress made by women in Aruban society, it seems very probable that their participation in political life and government will continue to increase. The fact that a relatively large number of women stood for election in 1993 is regarded not only as a significant step forward in the process of making Aruban women politically aware but also as a major contribution to Aruban democracy.

ARTICLE 8: INTERNATIONAL REPRESENTATION AND PARTICIPATION

In view of the constitutional position which it acquired in the Kingdom on 1 January 1986, Aruba has since then been directly involved in decisions on affairs of the Kingdom. Under article 3 of the Charter for the Kingdom, these affairs include foreign affairs. The rules governing representation of the Kingdom are contained in the Decree establishing the Foreign Service Regulations. The Foreign Service is under the direction of the Minister for Foreign Affairs of the Kingdom.

The Foreign Relations Department in Aruba is the official body designated as being responsible for both formulating and implementing Aruban foreign policy in general. For a long time efforts have been made to involve Aruba and the Netherlands Antilles as closely as possible in the conduct of foreign relations in the context of the Kingdom, while at the same time leaving them the greatest possible freedom to represent their own interests.

In carrying out its duties the Foreign Relations Department keeps in constant touch with the Ministry of Foreign Affairs in The Hague, with the representatives of the Kingdom abroad (embassies and consulates), particularly in the region, with the Foreign Relations Department in Willemstad and with the Consular Corps in Aruba. In the Netherlands, the Foreign Relations Department is assisted by a liaison officer attached to the Office of the Minister Plenipotentiary in The Hague. Aruban civil servants may also be placed at the disposition of the Ministry of Foreign Affairs. At present an Aruban civil servant is working as Minister Plenipotentiary at the Netherlands Embassy in Washington.

On receipt of official invitations to conferences, plenary sessions, seminars etc. the Foreign Relations Department plays an important role. After consulting with the relevant ministry or ministries, it regularly advises the Prime Minister on the composition of a delegation.

Under the international agreements entered into by the Kingdom, Aruba may if it wishes become a member of international organisations. A formal agreement concluded by the Kingdom is not required in all cases where Aruba wishes to obtain membership, associate membership or observer status. It depends on the constitutional rules of the organisation concerned. It should be noted that it is primarily the status of Aruba within international and regional organisations which determines to what extent it can take part in the activities of such organisations.

In principle male and female civil servants have the same opportunities to represent their country abroad and in international organisations. It is the position and job description which are of primary importance here, not the sex of the person concerned.

At present the majority of the policy staff in the Foreign Relations Department are women. For information on the number of women in the foreign service and the levels at which they serve, reference should be made to the contribution of the Netherlands to the Kingdom report.

ARTICLE 9: NATIONALITY

The Netherlands Nationality Act (Kingdom Act of 19 December 1984; Bulletin of Acts, Orders and Decrees 1984, nos. 628 and 629) contains provisions regarding Netherlands nationality, the acquisition and loss of such nationality and naturalisation. The Act applies equally to all three parts of the Kingdom (i.e. including Aruba). Since men and women are treated equally, the Netherlands Nationality Act provides that the nationality of the father or the mother determines whether a person acquires Netherlands nationality by law (section 3). Previously the nationality of the father was the crucial factor.

Marriage with a non-Netherlands national or a change in the nationality of the spouse has no effect on the nationality of the woman. Section 16 (2) is also important in this connection: "Netherlands nationality shall not be lost if and for as long as the other parent possesses Netherlands nationality". This means that if a minor has a parent of foreign nationality and the other parent retains Netherlands nationality, the child does not lose Netherlands nationality.

A woman does not automatically acquire Netherlands nationality through marriage with a Netherlands national. The Kingdom Act was altered on this point some years ago in order to discourage marriages of convenience. It is, however, possible to apply for naturalisation after being married for three years. Naturalisation is regulated in section 7 et seq. of the Netherlands Nationality Act.

Minor children may travel on either their mother's or their father's passport. In practice, it is usually the mother's passport that is used. The permission of both parents is required to have a child entered in the passport of a parent.

A women does not require the permission of her husband in order to obtain a passport. She can obtain a passport by means of a simple procedure.

For further information on Netherlands nationality, reference should, for the sake of brevity, be made to the report of the Netherlands.

ARTICLE 10: EDUCATION

For a general survey of the Aruban education system, reference should, for the sake of brevity, be made to Section 5 of Part I. The information presented there is supplemented below with specific particulars in order to give the most complete picture possible of education in Aruba. The information, which is presented in tabular form, is based on data from the Education Department and the census carried out in October 1991. For most of the relevant tables reference should be made to Annex 6.

Table XXI illustrates that the increase in the Aruban population during the period 1900-1990 resulted in a sharp increase in the number of pupils receiving some form of education. The particulars for the period 1984-1991 are contained in table XXII.

Table XXIII : An estimation of the number of pupils and students in Aruba :

age	educational level	1981	1991
4 - 5	nursery education	86.0%	approx. 90%
6 - 11	primary education	99.4%	> 99%
12 - 17	secondary education	87.2%	approx. 95%
18 - 21	post-secondary education	25.5%	approx. 30%

Source: Education Statistics Section, Education Department

In general participation in education has increased in recent decades. However, the degree of participation of men and women differs at the different levels of education. The greatest increases in participation have occurred in secondary and post-secondary education.

Although preparations are in hand to rectify the situation (partly because of the obligations under article 14 of the International Covenant on Economic, Social and Cultural Rights), Aruba does not yet have compulsory primary education. School attendance is therefore voluntary, and in this light the high percentages are all the more encouraging.
The table below shows the number of pupils in various levels and types of education in the 1991-1992 school year, by sex.

Table XXIV: Participation in education

education	number of schools	number of pupils		
	1/9/91	M	F	T
nursery	23	1057	971	2028
primary	28	3463	3500	696
special primary	3	157	71	228
junior technical	3	858	10	868
junior secondary home economics	4	87	285	372
economic, tourist and administrative	4	159	382	545
junior general secondary	9	820	1164	1984
senor general secondary/ pre-university	1	456	684	1106
senior secondary technical	1	238	25	263
senior secondary administrative	1	56	139	195
TOTAL	77	7351	7232	14583

Source: Education Statistics Section, Education Department

This survey shows the following trends. The participation of boys and girls in nursery and primary education is still roughly equal. However, from secondary education onwards there is a clear difference between the two in the degree of participation. Girls are clearly underrepresented in the technical vocational subjects and overrepresented in the service and care subjects.

Stereotype images and role models probably play a role in the choice of education by both girls and boys. A larger proportion of girls than boys progress from primary education to the general forms of secondary education (pre-university/senior general secondary and junior general secondary). The number of female pupils in this type of education is therefore significantly higher than the number of men. However, there are

still differences between men and women in terms of choice of subjects in all three types of education listed above: compared with men, a higher proportion of women choose languages and a smaller proportion exact sciences. See the tables XXV, XXVI and XXVII of Annex 6 on the choice of subjects by sex.

For some time there have been calls to make radical changes to the Aruban education system. The percentage of pupils kept back for a year is fairly high and is largely due to the language problems which occur (see table XXVIII). Although Dutch is the official language of instruction, the great majority of the Aruban population normally speak Papiamento (see annex 2). Compared with the Netherlands and the Netherlands Antilles, the percentage of successful pupils per school is reasonable (see Table XXIX). Although no graphs are available, it is known that these percentages have been falling in recent years. The causes and possible solutions are being debated in the various schools concerned and with the relevant authorities.

Children in Aruba have always grown up in a multicultural and multiracial society. Since there has not been any need to pay particular attention in the schools to the problems that might be posed by such a society, the Aruban Government has not adopted a special policy in this matter. However, attention is paid in social studies to the issue of discrimination in the sense of this Convention.

Since around 1985 many foreigners have emigrated to Aruba, in some cases with their families. Their children attend local schools where the Dutch school system is used. Parents are free to choose the school which they wish their children to attend. The influx of foreign children does not pose problems of integration, nor does the integration of the different racial groups at schools. What does, however, pose problems for the children in particular and the schools system in general is that Dutch is the official language. Through the Public Order and Security Department the Aruban Government organised Dutch language courses for young people in 1989 which were very well attended. In addition, individual schools have recently organised Dutch courses for non-Dutch pupils who have come to Aruba with their parents from various countries.

The majority of schoolteachers in Aruba are women (see Table XXX). No real explanation can be given for this. It is noteworthy that the percentage of female teachers remained virtually constant over the period from 1985 to 1991.

In terms of the number studying at the University of Aruba (Law Faculty) women now appear to have caught up with men. And in the next few years they may even start to outnumber the men, as has already happened in general secondary education and at the

Aruban Teacher Training Institute. The female student population of the University is younger than the male population there. This may indicate that women are more likely to choose to study in Aruba than abroad.

Table XXXI SURVEY OF THE NUMBER OF STUDENTS AT THE UNIVERSITY OF ARUBA ON 1/9/1991, BY AGE AND SEX

Age	Men	Women	Total
under 19	0	3	3
0 - 29	13	22	35
0 - 39	15	12	27
40- 49	11	3	14
50 and over	1	1	2
TOTAL			

Source; Education Statistics Section, Education Department

Since Aruba can offer only a limited range of post-secondary education (senior secondary vocational education, higher vocational education and university), a relatively large number of students continue their studies abroad, mainly in the Netherlands. It is relevant in this context to examine the number of student financing arrangements (grants and loans) granted to students of each sex. It is also of interest to compare the courses chosen by male and female students with grants. (See tables XXXIIA, XXXIIIB, XXXIIIA, XXXIIIB, XXXIVA and XXXIVB.

More than half (55%) of the grant-holders in 1991 were women. As regards the courses chosen, women grant-holders are clearly underrepresented on the "technology, architecture, urban development" courses and overrepresented to a slightly lesser extent on the "education, pedagogy and social services" courses.

The importance of a well-educated population is fully recognised in Aruba. The Aruban labour force is regarded as being among the most highly educated in the region, and the Arubans' command of languages (people can generally speak English and Spanish as well as Papiamento and Dutch) contributes to the success of the tourist industry and other sectors.

Education therefore accounts for a large proportion of the total government budget. (See table XXXV)

ARTICLE 11 : EMPLOYMENT

A. PARTICIPATION OF WOMEN IN THE LABOUR MARKET

One of the effects of the enormous economic expansion that occurred in the period 1986-1991 was that (of necessity) more and more women joined the labour market. The proportion of women (aged between 15 and 64) in the labour market increased from 34% to 50% between 1972 and 1991. Despite this increase the proportion is still lower than that of men, for whom the figure is around 80%. However, account should be taken in this connection of the greater participation of women aged 15-19 in the various forms of education, with the exception of technical education. Table XXXVI gives a survey of the relative proportion of working women in the various sectors.

Table XXXVI The relative proportion (%) of working women in 1981 and 1991, per sector

Industry	1981 W	1981 M	1991 W	1991 M
Agriculture/fishing/mining	0,0	0,0	0,2	0,9
Manufacturing	2,6	11,9	2,8	8,1
Public utilities	0,3	3,1	0,3	2,5
Construction	1,1	11,9	0,8	17,1
Retail/hotels, restaurants, bars	45,2	25,8	45,1	29,8
Transport and communications	3,0	6,8	5,1	9,8
Financial and business services	6,7	3,2	10,2	6,6
Other services (incl. public sector)	41,0	37,1	34,9	24,6
Non-classifiable businesses	0,1	0,1	0,5	0,7
TOTAL	100,0	100,0	100,0	100,0

The three largest sectors are (a) other services (the public sector being the largest employer), (b) retail/hotels, restaurants and bars (tourism) and (c) manufacturing industry. As table XXXVI shows, the great majority of the female labour force works in the retail/hotels, restaurants and bars (45%), followed by the other services sector (41%). Women are greatly overrepresented in the retail sector: almost half of all women are employed in this sector, compared with only a quarter of the men. Women are underrepresented in the manufacturing and construction sectors in particular.

Finally, table XXXVII shows the relative proportion of men and women in the various professions and occupations in 1972 and

1981 by sex

Table XXXVII. Relative proportion of men and women in the various professions and occupations in 1972 and 1981 by sex

Occupation	Women		Men	
	1972	1981	1972	1981
Academic/professional	14,9	13,0	9,2	9,5
Managerial/positions of authority	0,4	2,1	2,4	4,7
Administrative	23,8	28,5	13,8	3,5
Services	20,1	18,2	7,0	4,6
Agriculture/fishing	33,7	32,5	12,5	17,2
Manufacturing/crafts	0,0	0,3	1,3	1,2
	7,1	5,4	53,8	49,3
TOTAL	100,0	100,0	100,0	100,0

Clearly, women are greatly underrepresented in manufacturing industry and craft occupations. Around one in every two working men is employed in such a capacity, compared with one in every ten working women. Although the number of women in managerial positions and positions of authority has grown sharply, the proportion is still not as high as that of the men.

Table XXXVIII shows the relative proportion of men and women in the various professions and occupations in 1991. Although a complete comparison of the data of tables XXXVII and XXVIII is not possible, as the 1991 data were obtained through the revised occupation classification ISCO '88, the following deductions can be made; the underrepresentation of women in the categories 6,7 and 8 and the overrepresentation of women in the categories 4 and 5 has been maintained. Category 9 also shows an overrepresentation of women. However categories 1, 2 and 3 show a more balanced representation of men and women.

Table XXXVIII. Relative proportion of men and women in the various professions and occupations in 1991

Occupation	Women	Men
1. Legislators, senior officials, managers	5,4	9,7
2. Professionals	3,9	5,0
3. Technicians and associate professionals	9,4	9,2
4. Clerks	30,7	12,3
5. Service workers, shop and market sales workers	24,3	15,4
6. Skilled agricultural and fishery workers	0,1	1,4
7. Craft and related trades workers	1,5	22,6
8. Plant and machine opeartors and assemblers	0,3	8,8
9. Elementary occupations	23,7	14,2
10. Armed forces	0,0	0,7
11. Occupation not reported/ not adequately defined	0,3	0,6
TOTAL	100,0	100,0

The average monthly income of the working population by sex is shown in table XXXIX. The average monthly income of men is considerably higher than that of women.

Table XXXIX. Average monthly income of the working population in 1981 and 1991, by sex, in prices of the relevant year.

	Average monthly income	
	1981	1991
Women	785	1433
Men	1,375	2037

Table XXXX shows the the average monthly income per sector in 1981 and 1991, in each case in prices of the relevant year.

Table XXXX. Average monthly income per sector in 1981 and 1991, in prices of the relevant year

Sector	Average monthly income			
	1981		1991	
	w	m	w	m
Agriculture and fishing	631	1079	1817	1232
Manufacturing	1013	2023	1351	2079
Public utilities	849	1458	1608	2448
Construction	837	966	1550	1390
Retail/hotels, restaurants, bars	670	1221	1232	1811
Transport and communications	937	1221	1538	2076
Financial and business services	1021	2092	1840	2808
Other services (incl. public sector)	848	1365	1557	2527

If table XXXX is read in combination with table XXXVI, it can be seen that working women are overrepresented in the sector with the lowest average income, namely retail/hotels and catering. At the same time, women are underrepresented in the sector with the highest monthly income, namely manufacturing industry (in particular oil refining).

The discrepancy between men and women is even greater in terms of the average income per sector per sex. The average incomes differ markedly not only by sector but also by sex. Men receive higher average incomes than women in all sectors. The average monthly income of men is almost twice that of women in the retail/hotels and catering sector. The same is true of the manufacturing sector and the financial and commercial services sector.

Compared to 1981 the average income of women has increased considerably in all sectors. Although the position of women in the employment sector is still not equal to that of men, this situation is ondergoing constant change due to, amongst other things, a number of changes in the employment regulations and laws with regard to the position of women.

The following points should be made about the other services sector, in which the public sector is the largest employer. Until the 1960's women getting married were dismissed from their jobs in the public sector. From 1983 onwards married women could remain in public sector employment and were entitled to a pension. However, married men continued to receive 25% more salary than unmarried men and married women.

This distinction in legal status by sex and marital status was abolished in 1990.

Aruban legislation makes no distinction between men and women as regards the right to carry on certain occupations. However, article 17 of the Employment Act in conjunction with the Hotel and Catering Decree provides that in order to perform night work in the hotel and catering trade women require an exemption from the prohibition on night work. This distinction can, however, be justified on the ground of the need to protect family life.

Article 11, paragraph 2, of the Convention imposes an obligation on the member states to take all measures necessary to prevent dismissal on the ground of pregnancy. Unlike the Netherlands' Civil Code, article 1615h of the Aruban Civil Code does not, however, prohibit dismissal on the ground of pregnancy (only in respect of sickness or accident). Owing to the lack of a prohibition of this kind, a number of instances of dismissal for pregnancy have occurred. A recent example was the dismissal of a pregnant stewardess by Air Aruba (Annex 3), in which the court held in favour of the stewardess in the subsequent legal proceedings. In doing so, it based itself on the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

B. CHILD CARE

Aruban parents have traditionally tended to rely on assistance from others, particularly relatives and neighbours, in caring for and bringing up their children.
Although this traditional or informal help still plays an important role in Aruba, organised and formal child care facilities have become very popular in the last twenty years. Different social trends have led to a still growing demand for the various types of organised child care. In no given order, these include:

- the loosening of family ties and the opening up of closely-knit local communities, partly as a result of greater mobility;
- a change in the structure of the family, in particular the increasing independence of the nuclear family and the declining number of households consisting of extended families;
- a change in the position of women, particularly their greater participation in society (education and employment);
- changing views on the upbringing of children, in particular the notion that care provided by persons other than the parents, in addition to that provided within the

family, can help to stimulate the development of the child.

The private sector in particular has responded to the growing demand for organised child care in recent decades. Since the 1970s there has been a steady growth in the number of child care centres. As the economic growth since the end of the 1980s has generated thousands of new jobs, government policy has been directed at exhausting first of all the local supply of labour. This has been done in order to avoid having to attract labour from outside Aruba on a large scale. The authorities are therefore encouraging women to join the labour market. One way in which this is being done is through tax incentives.

It is likely that this development will increase still further the need for child care facilities. The extremely tight labour market has also resulted in the immigration of a significant number of families with children in recent years. This group too has quite a pressing need for child care facilities, since its members do not have access to a social network (at least initially).

Although a reasonable network of organised child care facilities in the form of child centres has been established, problems are still identified by various groups:

1. Quality. Despite various measures to improve the quality of child care, this still leaves something to be desired at a significant number of centres. The particular complaints are inadequate accommodation and furnishings, inadequate equipment, particularly as regards safe and educative toys, inadequately trained staff and a lack of training facilities, the absence of rules and regulations and any system of monitoring the quality of the care.

2. Capacity and type of care. There is a capacity problem, particularly for children in the 4-12 age group (after-school care) and in the 0-1 age group (baby care). Furthermore, full-day care is available only to a limited extent and evening care is completely lacking.

3. Financing. The majority of child centres have to get by without subsidy and are dependent on parental contributions. No government subsidies are available, and employers' contributions to the costs of child care for their employees are also a great exception. Accordingly, the parental contribution tends to discourage many low-income parents from putting their child in a centre. This in turn leads to an increase in the number of younger children given a house key and left to fend for themselves after school hours (they find no one at home when they get back from school and are alone the whole afternoon). The difficult financial situation also

adversely affects the quality of the care and the conditions of employment of the staff.

4. Government policy. In recent years there have been calls from various sides for more active government involvement in the provision of child care. Government policy should concentrate in particular on quality control and supporting an increase in capacity by means of a subsidy scheme.

5. Employers' policy. In general, employers are still relatively unaware of the importance of good child care facilities for the labour productivity of their employees. At present, only one bank is known to give its male and female employees a contribution towards the costs of child care for children aged 0-12 years. The possibility of part-time employment is also a rarity. If more part-time jobs were available, demand for child care could be scaled back. An example could be set in this respect by the public sector, which is one of the largest employers.

On 12 June 1991 the "Pa nos muchanan" ("For our children" Foundation) was established for the purpose of "supporting the organised provision of non-medical and non-pedagogic child care for children under 14 in order to extend, and improve the quality of, the education of and care for these children. Another object of the Foundation is to provide the public with information on matters of upbringing. The wide-ranging duties undertaken by the Foundation are to be carried out by an executive body, the establishment of which is now a matter of priority.

ARTICLE 12: HEALTH

A. GENERAL

The Aruban health care system is described in broad outline below.

Aruba has one general hospital (the Dr. H. Oduber Hospital), which has 304 beds (including 40 in the psychiatric wing). The hospital has a staff of 611, of whom around 80% are women.

The eastern part of the island can also make use of the services of the Centro Medico San Nicolas, a clinic which is able to offer the most important basic facilities.

There are 27 general practitioners in Aruba at present. Since the population is about 70,000, this a ratio of 1:2600. There are also 28 specialists on the island.

Table XXXXI. Number of specialists calculated by number of inhabitants, by age category

	Standard	Needed	Present
Internal specialisation			
- internal medicine	1 : 13900	4	4
- cardiology	1 : 16400	1.25	2
- lung disease	1 : 61500	0.9	1
- rheumatism	1 : 207000	0.27	-
Surgical specialisation			
- general surgery	1 : 21200	3.38	4
- orthopaedic	1 : 62900	1.14	1
- urology	1 : 86000	0.8	1
- plastic surgery	1 : 217000	0.33	1
Miscellaneous specialisations			
- dental surgery	1 : 110600	0.65	-
- paediatrics	1 : 9400	1.65	3
- gynaecology/obstetrics	1 : 13600	2.61	3
- psychiatry	1 : 57700	0.97	1
- neurology	1 : 28300	1.98	2
- dermatology	1 : 72900	0.98	2
- ear/nose/throat	1 : 50500	1.42	1
- ophthalmology	1 : 44300	1.62	2
- rehabilitation	1 : 104400	0.69	0

Source: Health Department

Of the numbers mentioned above, 7 of the general practitioners and 4 of the specialists (2 dentists, 1 dermatologist and 1 pathologist) are women.

To ensure that the general public is kept properly informed, the Health Department established some years ago an Information Division which is responsible for providing information about various aspects of health. The Division uses regular information material (e.g. posters, pamphlets, booklets and stickers) and also has a television programme named "Salud pa un y tur" (health for all), in which a different aspect of health care is dealt with each week.

Per capita health care expenditure is close to $ 800.00 a year. However, there is a strong emphasis on secondary care, at the expense of primary care, prevention and mental health. The exact expenditure is not yet known due to a general lack of valid data and registration systems. To improve this, a national health insurance bill (providing for compulsory registration of data) was approved by Parliament in 1992. The Bill will come into force in the near future.

Aruba makes no distinction between men and women in terms of the provision of medical facilities. A health care survey conducted among the population in 1990 showed that women actually make more use of the medical facilities (GP and specialist) than men.

The main causes of death in Aruba are cardiovascular disease and cancer; morbidity is also strongly determined by degenerative diseases, with diabetes as a highly prevalent entity (6%). The incidence of infectious disease is low, but it is also thought to be under-reported.

B. AIDS IN ARUBA

To date 11 clinical cases of AIDS have occurred (6 Arubans and 5 foreigners), of whom 7 have died. Of these clinical cases, 2 occurred in 1988, 4 in 1990, 2 in 1991 and 3 in 1992. 4 Arubans have also died of AIDS in the Netherlands, but since they had lived there for more than 10 years they are therefore regarded as having been infected in the Netherlands.

HIV-positivity is established in Aruba by Elisa testing and confirmed by Western Blot testing (which is performed abroad). The results are:

1986: 4 positive	1990: 10 positive
1987: 5 positive	1991: 23 positive
1988: 3 positive	1992: 4 positive
1989: 6 positive	

As one third of the HIV-positive patients were foreigners, however, this reduces the prevalence among the Aruban population. The total of 55 confirmed HIV-positive cases were detected in 16,643 tests of serum specimens, about half of which were carried out on blood donors. The remainder were on out-patients and a group of STD patients and prostitutes.

It should be noted that the HIV-positives are equally divided among men and women and occurred mainly among individuals aged over 25. The (tentative) conclusion based on these data could be that there is a relatively low prevalence of AIDS infection in Aruba, which has however increased steadily over the years, and that transmission is mainly due to heterosexual (or perhaps bisexual) contacts and probably not to intravenous drug abuse (in view of the infected age group). However, the limited numbers involved in a small community such as Aruba make it difficult to draw definite conclusions.

A national AIDS Committee was established in 1987 to advise the authorities on the policy to be pursued on AIDS and HIV infection. Previously, information on the spread of the HIV virus was disseminated by the Aruban Women's Club, a social and charitable organisation. This varied from showing information films on national television to organising panel discussions and visiting schools. The National AIDS Committee receives a subsidy from the Aruban government for its work.

By visiting the neighbourhoods where prostitutes are active the Infectious Diseases Unit of the Medical Service is endeavouring to establish a relationship of trust with this extremely vulnerable group so that they will in the long run submit voluntarily to regular checks. This will yield important information not only about AIDS but also about other sexually transmitted diseases. Needless to say, the results of this will only become visible in the long term.

C. INFORMATION ON PREGNANCY AND BIRTH

1. General

Table VII in Part I shows that the number of births in Aruba was 949 in 1988, 1,141 in 1989, 1,140 in 1990 and 1,157 in 1991.

An Aruban woman may be assisted at her confinement by a general practitioner, a midwife or a gynaecologist. However, her choice is to some extent limited. Although people with private medical insurance, public sector employees and people employed in the private sector may make this choice themselves, people who use what are known as "doctor's cards" (free medical treatment for people without an income or an income under a certain amount)

are obliged to use the services of a midwife.

2. Prenatal check-ups

Prenatal check-ups take place once a month up to the 28th week of pregnancy. Thereafter the frequency of the examinations is raised to once every two weeks and, from the 36th week onwards, once a week by the attending physician or midwife. The check-ups during the first week after delivery are followed by an examination of mother and child six weeks after delivery.

3. Confinement

In preparation for her confinement a woman may follow a course of prenatal exercises and use the services of three qualified people for this purpose.

A home nursing service also provides complete courses of instruction for prospective mothers and fathers, dealing among other things with feeding for mother and baby, the growth and development of the foetus, hygiene, breast-feeding, delivery and postnatal care.

Recently, a number of exhibitions on the subject of pregnancy and delivery were held by the Association of Midwives in collaboration with the National Library. These were intended for the Aruban population as a whole.

Deliveries normally take place in the General Hospital, which has two modern delivery rooms. But women may also choose to have their baby at home.

4. Neonatal care

As the Aruban population is small, premature births are relatively uncommon (in absolute numbers). From the point of view of policy, therefore, there is no need to buy expensive equipment for neonatal care.

If it is suspected that a birth will be premature, the mother is moved (where still possible) to Curaçao (Netherlands Antilles) where the necessary equipment is available. If the premature baby has already been born, it is moved as quickly as possible to Curaçao (depending on its medical condition).

5. Breast-feeding

Unlike many Western countries, the Aruban authorities do not have an official policy of promoting breast-feeding. Nonetheless, in practice most mothers do breast-feed their babies, although bottle-feeding is always used as a supplement.

6. Contraception

Contraceptives are available free of charge (and usually without a doctor's prescription) for both men and women in Aruba. A periodic medical check-up is advised for people using contraceptives, but it is not compulsory.

The Aruban family planning clinic distributes free contraceptives among the population. Information can also be obtained from it about responsible parenthood and sexual information in general. Various secondary schools are also visited regularly by representatives of the family planning clinic for the provision of such information.

In recent years large numbers of condoms have been distributed free of charge both by the family planning clinic and by the national AIDS Committee (Comision di AIDS Arubano) in order to prevent the spreading of the HIV virus. Special attention is paid in this connection to the most vulnerable groups such as prostitutes.

It is noteworthy that sterilisation appears to be quite common in Aruba. Information obtained through informal channels shows that a relatively large number of Aruban women opt to be sterilised, even at an early age. The reason they give for wanting sterilisation is that is easier than taking a pill every day or using a condom.

The same argument also explains why the contraceptive injection is used more frequently in Aruba than the ordinary contractive pill which has to be taken daily.

7. Abortion

Article 308 et seq. of the Aruban Criminal Code provides that abortion is an indictable offence.

"A woman who intentionally causes the expulsion or death of her foetus or has this caused by another person" is liable to a term of imprisonment not exceeding three years (article 308). If the expulsion or death of the foetus occurs without the consent of the woman, a person intentionally causing this is liable to a term of imprisonment not exceeding twelve years (article 309). A person causing such expulsion or death with the consent of the mother is liable to a term of imprisonment of four years and six months (article 310). If a physician or a midwife commits such an offence or is an accessory to it, the sentence may be increased by one third (article 311).

Although abortion is a criminal offence in Aruba and despite the fact that no figures are available, it is safe to assume

that abortions are carried out. However, it is impossible to determine with any certainty on what scale this happens since it is recorded as curettage.

As regards General Recommendation no. 14 regarding female circumcision all that can be said is that it is not customary in Aruban culture. As far as is known, none of the population groups in Aruba perform such an operation on girls or women.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

A. RIGHT TO FAMILY BENEFITS

1. General

For a survey of the social security schemes applicable in Aruba, reference should be made for the sake of brevity to Part I, Section 4: Social Affairs.

The policy of encouraging women to enter or re-enter the labour market and the measures taken by the authorities for this purpose have been dealt with at length elsewhere in this report.

2. Child allowance

Parents are entitled to an allowance for children who are under 18 or following a course of full-time or part-time education, as a contribution towards the costs of raising them. This entitlement applies to both the father and the mother of the child and regardless of whether the person concerned is married or unmarried. The allowance is at present Fl. 200 per month for the first child. The amount for any subsequent children is smaller.

For a long time a distinction was made between male and female public sector employees regarding child allowance (art. 39, par. 1, in conjunction with art. 31 of the Public Sector Employees Substantive Law Act). The Public Service Tribunal and the Central Appeals Court for the Public Service ruled against such a distinction in various judgments (see Annex 5).

In this way, one of the remaining differences in salary between married men and married women was abolished with effect from 1 January 1990.

B. RIGHT TO BANK LOANS, MORTGAGES AND OTHER FORMS OF FINANCIAL CREDIT

If no special measures are taken by couples intending to marry, a "community of property" exists between them from the moment that the marriage is contracted (article 165 of the Civil Code). Although this community system is non-peremptory (i.e. couples may choose to deviate from it by concluding a marriage contract), it has important consequences under the law of matrimonial property.

For example, a spouse requires the consent of the other spouse in order to conclude certain juristic acts (article 159 of the Civil Code), failing which they will be null and void. These

acts are:
(a) contracts to alienate, encumber or part with the possession of the matrimonial home or its contents and to terminate the use thereof;
(b) gifts, with the exception of normal gifts that are not excessive;
(c) contracts in which he or she agrees to act as surety or as co-debtor having joint and several liability.

If spouses have a joint household, they need each other's consent in order to buy on hire-purchase things clearly intended for the household (article 158 of the Civil Code).

Since 1975 women have had contractual capacity in Aruba; as a result, they are in principle able to take out loans, conclude mortgages and enter into other financial commitments without the prior consent of their husband. Although marriage imposes certain limitations on this capacity as described above, it is not an obstacle to it.

C. RIGHT TO PARTICIPATE IN RECREATIONAL ACTIVITIES, SPORTS AND ALL ASPECTS OF CULTURAL LIFE

Recreational activities are open to everyone in the Aruban community, men and women alike, without distinction. Women, for example, take an active part in both recreational and competitive sport. This includes sports which are played only by women and those which are played by men and women.

Delegations representing Aruba abroad during international sports meetings consist to a large extent of women. This is also true of such major events as the Olympic Games, the Pan-American Games, the Central American and Caribbean Games and world championships.

In addition to actively participating in sport women also hold management positions in sports organisations, although in this respect they appear to be outnumbered by men.

Women play an important role in cultural matters in Aruba. They take an active part in drama, dancing, singing, painting, poetry, sculpture and literature, and hold public exhibitions and give other performances.

Separate women's sections have been established in most social service clubs (e.g. Kiwanis, Lions and Rotary). These women's sections do independent work, often in providing information to the public and raising funds for special groups in society. The Aruban Women's Club, for example, has done pioneering work in the provision of information about AIDS. These efforts have now led to the formation of a national AIDS Committee.

ARTICLE 14: WOMEN IN RURAL AREAS

The socio-geographical situation of Aruba is such that no real distinction exists between townswomen and countrywomen. In view of the size of the island and its population, the problems referred to in this article are non-existent since the island has no cities. The article is therefore not applicable to the Aruban situation.

ARTICLE 15: EQUAL TREATMENT BEFORE THE COURTS AND BEFORE THE LAW

In Aruba men and women have equal access to the courts. No distinction is made between them in civil law, criminal law or administrative law. The testimony of men and women has equal weight. The Aruban Free Legal Act applies to "everyone ordinarily resident in Aruba who is destitute or of limited means".

Almost every law firm employs one or more female attorneys (there are a total of seven on the island). At present there are no women judges, although three Aruban women are following the training course to become judges or prosecutors.

Women may enter into contracts and manage property in the same way as men.

All persons, men and women alike, are free to choose their own place of residence. Spouses, however, decide where they will live in mutual consultation. If they fail to agree, the husband decides. Nonetheless, the wife decides in cases where the husband is subject to a guardianship order or is unable or unwilling to decide on the place of residence or where the needs of the family are met wholly or mainly from work performed by the woman (article 154 of the Civil Code).

ARTICLE 16: MARRIAGE AND FAMILY RELATIONSHIPS

Family relationships are governed by civil law. The husband is still legally regarded as the head of the household. As already mentioned above, this means that the Aruban Civil Code contains (at least for the time being) family law provisions which accord a subordinate role to the wife. An example is article 54a of the Civil Code which provides that: "legitimate children and illegitimate children acknowledged by the father bear the surname of the father; illegitimate children not acknowledged by the father bear that of the mother". Moreover, article 339 (2) provides that during their marriage parents shall exercise parental authority jointly. In the event of a difference of opinion, however, the will of the father prevails. Article 339 (3) provides: "If the decision of the father is manifestly contrary or seriously prejudicial to the moral or spiritual interests or the health of a minor child, the court of first instance shall be competent to overrule the decision at the request of the mother."

Marriage and its consequences are regulated in the Aruban Civil Code. Marriages and divorces have to be registered under the Aruban Civil Code.

A. MARRIAGE

Both men and women are free to choose a spouse and to enter into a marriage. Article 83 of the Civil Code provides, however, that "a woman may not contract a marriage until 306 days have elapsed since the dissolution or annulment of her marriage".

An essential feature of marriage is the free consent of the prospective parties (article 77 of the Civil Code). Neither arranged marriages nor the practice of dowry are known in Aruba. Article 76 of the Civil Code also prohibits polygamy. Child marriages are not possible in Aruba. The minimum age for marriage is 15 for a woman and 18 for a man. It is possible, however, to apply for an exemption under article 78 of the Civil Code.

The age of majority is the same for men and women, namely 21 or upon marriage, whichever is the earlier. A legitimate adult child of either sex must, until the age of 23, request the consent of his or her parents before contracting a marriage, provided the parents had not been deprived of parental authority at the time that he or she attained his majority (article 91, paragraph 1, of the Aruban Civil Code).

Women have the same rights as men to choose a name. Article 75

of the Aruban Civil Code provides that women take their husband's name during marriage.

Husbands and wives have the same rights during marriage with respect to the ownership, acquisition, administration, management and enjoyment of property. However, certain juristic acts with regard to the matrimonial home and the joint household require the consent of the other spouse (articles 158-160 of the Civil Code).

Extramarital cohabitation is becoming more common in Aruba and is increasingly accepted by society. Although the legal consequences of a relationship of this kind are not entirely the same as those of a legally constituted marriage, it is possible to conclude a "partnership contract" by notarial instrument in order to provide a legal basis for it.

Under family law natural children are related to their mother from birth and to their father as the result of an acknowledgement.

Aruban women may decide independently on the number of children they wish to have. Such decisions are, however, generally taken in consultation with the husband. Family planning facilities are freely accessible to all. Women have the same rights as men in relation to the guardianship, custody, legal representation, trusteeship and adoption of children.

Aruba has no specific provisions regarding the mistreatment of spouses or partners. The general criminal provisions on assault are applicable (articles 318-322 of the Criminal Code).

B. TERMINATION OF MARRIAGE

Each of the spouses is entitled to apply for an annulment of the marriage (articles 134-148a of the Civil Code) or for a divorce (articles 256-284a of the Civil Code). In addition, application may be made for a judicial separation (articles 282-298 of the Civil Code). A judicial separation does not terminate a marriage, but relieves the parties to the marriage of the duty of cohabiting. The court makes an order regarding the financial position of the two spouses and regarding the guardianship of the children.

The nullity of a marriage may be invoked on the ground that one of the parties was already married, that there was an absence of consent of one of the parties to the marriage owing to duress or mistake, or that one of the parties was the subject of a guardianship order or had not attained the age of entitlement to marry at the time the marriage was contracted. Article 258 of the Civil Code provides an exhaustive list of the grounds for divorce, namely adultery, malicious desertion,

conviction pronounced after the marriage for an indictable offence carrying a prison sentence of four or more years, and serious assault on a spouse by the other. Orders of both annulment and divorce have to be registered (article 148a and article 270 in conjunction with article 40 respectively of the Civil Code).

The dissolution of a marriage by divorce or by the death of one of the spouses is discussed below.

1. Divorce

How the matrimonial property is divided after a divorce depends on the matrimonial property regime chosen by the parties. Under article 165 of the Civil Code, a general community of property exists by law from the moment that a marriage is contracted. A community of property comprises all present and future goods and all debts brought in to the marriage by one of the parties: these then belong to the spouses jointly (articles 186 to 205 of the Civil Code). However, prospective spouses may exclude the regime of community of property before they marry and spouses may do so during their marriage by concluding a marriage contract (articles 186-205 of the Civil Code). Such a contract may stipulate who is to own particular items of property, including money. Similarly, a limited community of property may be agreed, for example a community of acquisitions and income (articles 195-198 of the Civil Code).

After termination of a marriage subject to the regime of community of property, the community is dissolved. Each of the spouses is then entitled to half the community. It is immaterial for this purpose who has contributed the most to the community and in what form this was done. As a result, a woman who has done unpaid work in the home while her husband has done paid work outside the home is entitled to share the assets equally with her husband.

If the spouses have had a marriage contract drawn up, the assets are divided in the event of a divorce in accordance with the provisions of the contract. It depends on the content of the conditions agreed between the spouses in this contract whether or not one spouse shares in the income of the other spouse or in the goods purchased from such income.

After a divorce, the mother is usually given custody of the children. Under the Civil Code (articles 262 and 274) it is possible to apply to the courts for maintenance after a divorce.

2. Marriage ended by death of a spouse

(a) Division of the estate
The estate comprises the testator's own assets. If the deceased was married under the terms of a community of property, the estate consists of half the matrimonial community. For the purpose of the division of an estate, it is immaterial whether the testator is a man or a woman. The same is true of the heirs: women inherit on the same basis as men whether a will exists (article 901 et seq. of the Civil Code) or does not exist (article 879 et seq. of the Civil Code).

(b) Maintenance after the death of a spouse
Aruba has a scheme for the provision of maintenance for next of kin, namely the General Widows and Orphans Insurance Act (see part I). Section 7 of this Act provides that only widows and not widowers may claim under the scheme. For a long time, therefore, widowers were unable to claim benefit as next of kin. This situation was changed by a judgment of the General Widows and Orphans Appeal Tribunal of 31 October 1989. This national tribunal held that the provision in question was in conflict with the International Covenant on Civil and Political Rights. Widowers too can now claim benefit under the General Widows and Orphans Insurance Act. At present a Bill is being prepared to amend this Act to bring it into line with article 26 of the International Covenant on Civil and Political Rights.

If a parent dies, the surviving parent is usually awarded custody of the children.

Population by language mostly spoken in the household, by age and sex.

Age group	Language mostly spoken																				
	Papiamento			English			Dutch			Spanish			Portuguese			Other language			All Languages		
	Male	Fem.	Total	Male	Fem.	Total	Male	Fem.	Total	Male	Fem.	Total	Male	Fem.	Total	Male	Fem.	Total	Male	Fem.	Total
0 - 4	2360	2047	4406	206	183	389	162	145	307	196	166	362	4	4	8	37	29	67	2965	2574	5539
5 - 9	2268	2121	4389	249	222	470	162	152	314	130	156	286	2	–	2	22	15	36	2833	2664	5497
10 - 14	2176	2091	4267	199	166	365	142	173	315	106	123	229	2	4	6	28	17	45	2653	2574	5227
15 - 19	1903	1801	3704	168	151	319	108	96	204	107	119	226	5	4	9	21	18	38	2313	2188	4501
20 - 24	1719	1642	3361	182	154	336	83	93	176	214	252	466	14	14	27	32	15	47	2244	2168	4413
25 - 29	2115	2040	4156	204	261	465	142	189	332	311	385	696	5	8	14	81	37	119	2859	2921	5780
30 - 34	2532	2469	5001	270	326	596	158	171	329	305	385	690	6	3	9	77	51	128	3349	3404	6753
35 - 39	2183	2239	4422	252	322	574	202	214	416	239	394	633	2	6	8	76	40	115	2954	3216	6169
40 - 44	1871	1881	3752	208	248	456	164	173	337	164	269	434	6	12	19	62	44	106	2476	2627	5103
45 - 49	1552	1631	3182	127	178	305	132	122	254	98	181	279	8	4	12	24	22	46	1941	2137	4078
50 - 54	1398	1482	2880	107	168	276	82	79	161	72	128	200	11	8	20	29	21	50	1699	1887	3586
55 - 59	1195	1294	2489	109	162	271	68	66	133	42	75	116	4	7	11	11	22	33	1429	1626	3054
60 - 64	785	861	1646	113	121	234	58	59	118	35	52	87	9	9	19	11	10	22	1013	1113	2126
65 - 69	518	543	1061	110	132	242	46	41	86	23	44	67	5	1	6	5	9	16	708	770	1478
70 - 74	373	458	831	82	146	228	32	33	66	31	37	69	5	2	7	9	9	19	534	685	1219
75 - 79	261	380	641	62	129	191	23	20	43	16	19	34	1	3	4	5	3	8	368	553	921
80 - 84	215	297	513	55	86	141	9	8	18	7	21	28	2	–	2	3	5	8	292	418	710
85 - 89	72	135	207	17	46	62	5	4	9	5	16	19	–	–	–	1	–	1	100	199	298
90 - 94	19	43	61	3	5	8	–	1	1	1	2	3	–	–	–	–	–	–	23	51	74
95 +	6	9	16	–	1	1	1	–	1	–	–	–	–	–	–	1	–	1	8	10	19
Not rep.	38	36	75	6	18	24	2	6	8	9	15	24	–	–	–	4	5	9	60	80	140
All Ages	25560	25501	51061	2750	3224	5954	1784	1843	3626	2111	2835	4946	94	91	185	543	371	914	32821	33866	66687

SUMMARY OF JUDGEMENT

Judgement of 24 June 1992 of the Court of First Instance (Jeanine Angelic Tromp v. Air Aruba)

The employment contract between the plaintiff (a stewardess) and the defendant stipulates *inter alia* that pregnancy constitutes grounds for the employer (the defendant) to terminate the contract. Employees are obliged to inform their employer immediately if they are pregnant, failure to do so leading to immediate dismissal. When the plaintiff became pregnant, she informed her employer promptly and requested transferral to another post within the organisation for the duration of her pregnancy. The defendant informed the plaintiff that he was obliged to terminate her employment contract and that a transfer was not possible.

Parties' standpoints:

Plaintiff: the contested article is incompatible with *inter alia* the Constitution of Aruba and international conventions and is therefore invalid.

Defendant: termination of the employment contract is in accordance with the agreement; ***pacta sunt servanda***. Dismissal is not manifestly unreasonable, but in the interests of the mother and her child.

Judgement: As only women can be dismissed on grounds of pregnancy, this dismissal constitutes direct discrimination on grounds of sex, for which there is no objective or manifestly reasonable justification. If flying constitutes a danger to the unborn child, the woman in question may not be dismissed, but should be granted leave or transferred to ground duties. The article of the contract concerned is invalid. However, the dismissal is not invalid, but manifestly unreasonable. The plaintiff may claim damages.

Judgement of 28 June 1991 of the Public Service Tribunal (Lidia Altagracia Adams-Fingal et al v. the Minister of General Affairs and the Governor of Aruba)

The plaintiffs' petition concerns the unequal treatment given to their married male colleagues and themselves with respect to child allowances. They regard the refusal to grant them child allowances as discriminatory.

The relevant article of the Country Ordinance on the Material Law applicable to Public Servants stipulates that married public servants are entitled to allowances for their unmarried, legitimate children up to the age of 18. A "married public servant" is understood to mean the male public servant, who is married or has been married and the female public servant who has been married and has not remarried. Married and unmarried women are not eligible for child allowance under this system.

Judgement: the distinction must be regarded as unjustified discrimination, which is incompatible with article 26 of the International Covenant on Civil and Political Rights. The plaintiffs are therefore entitled to child allowance.

Insofar as the plaintiffs are unmarried men or women, the Tribunal would refer to the Judgement of 20 November 1990 of the Public Servants' Appeals Tribunal (Prime Minister and Governor of Aruba v. Elivia Engrita Lugo). The distinction is also discriminatory as it relates to this category.

Judgement of the Public Servants' Appeals Tribunal of 16 December 1991 (the Aruban Minister of General Affairs and the Governor of Aruba v. Lidia Altagracia Adams-Fingal et al)

The appellants contend that the Public Service Tribunal wrongly established that the respondents are entitled to child allowance, as Aruba has removed, by Country Ordinance, the distinction made between legitimate and illegitimate

children (see Judgement of 20 November 1990 Prime Minister v. Elivia Engrita Lugo).

Tribunal: The difference in the way in which the legitimate or illegitimate children of married male public servants and the legitimate or illegitimate children of married female public servants are treated does not constitute a distinction between legitimate and illegitimate children, but between married men and married women (see Judgement of 12 February 1990, Governor of Aruba v. Esther Marilyn Williams). This difference is inadmissible.

This does not imply, however, that married female public servants are entitled, under all circumstances, to child allowance. This is not the case, in particular, if both parents are public servants or if the other parent is entitled to child allowance on the basis of another statutory regulation. In such cases, the difference in treatment does not indeed arise from any distinction made between married men and married women, but is admissible on the reasonable, objective, non-discriminatory grounds that two allowances may not be claimed for one and the same child. This does not however apply in the case in question. The Council therefore upholds the judgement against which appeal has been lodged.

Table XXI

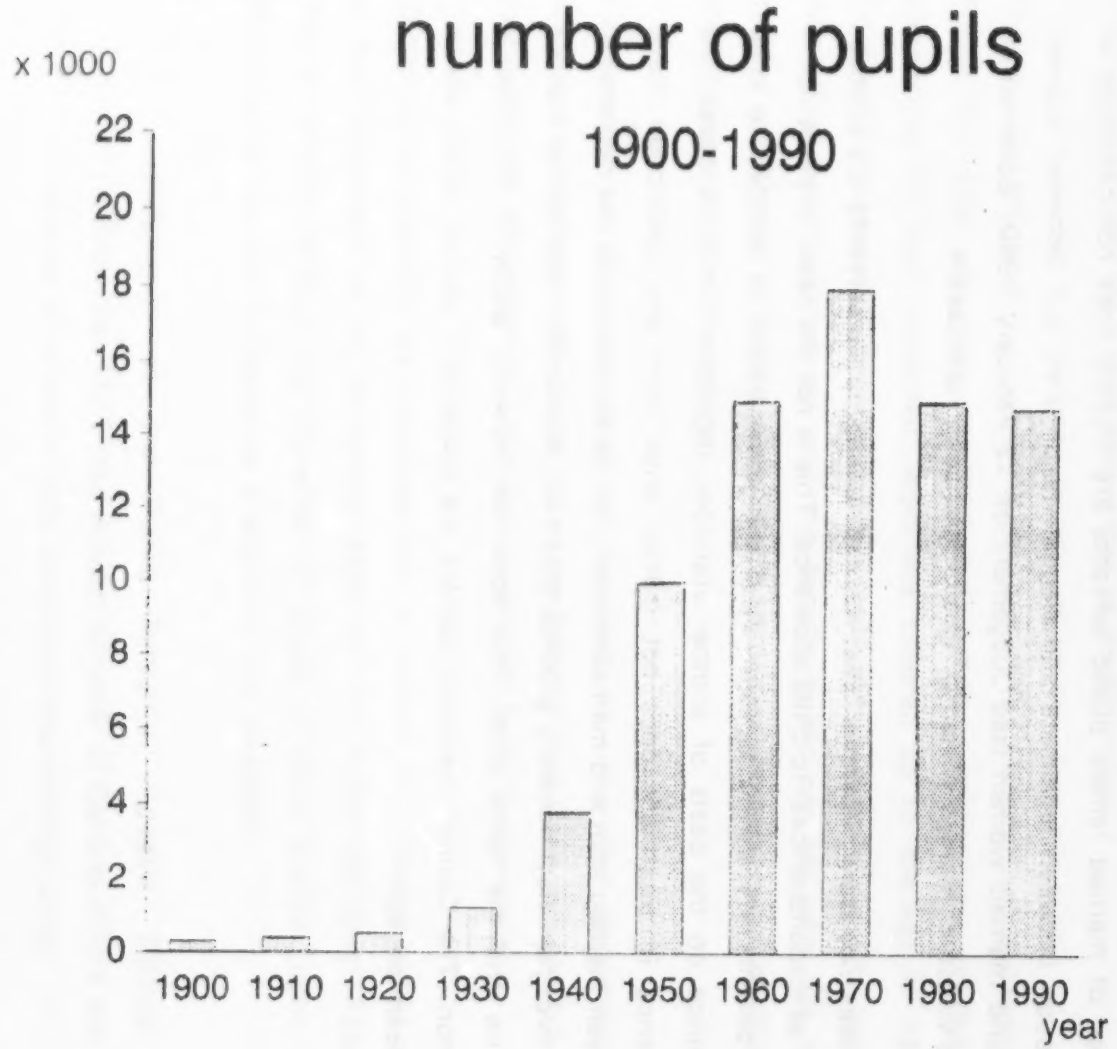
number of pupils
1900-1990
x 1000
22
20
18
16
14
12
10
8
6
4
2
0
1900 1910 1920 1930 1940 1950 1960 1970 1980 1990
year

Table XXII

number of pupils 1984-1991

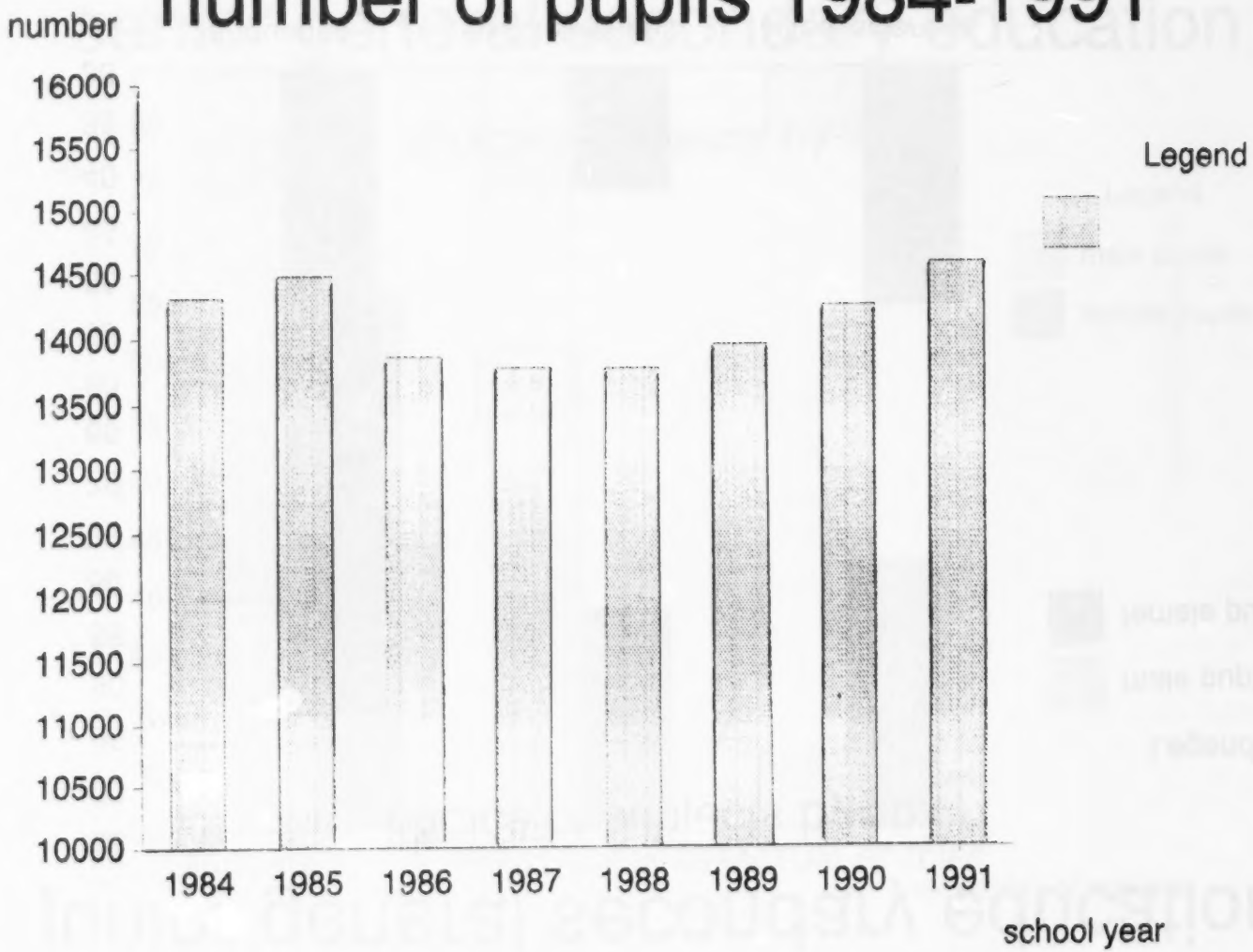

Table XXV

junior general secondary education

Table XXVI

senior general secondary education

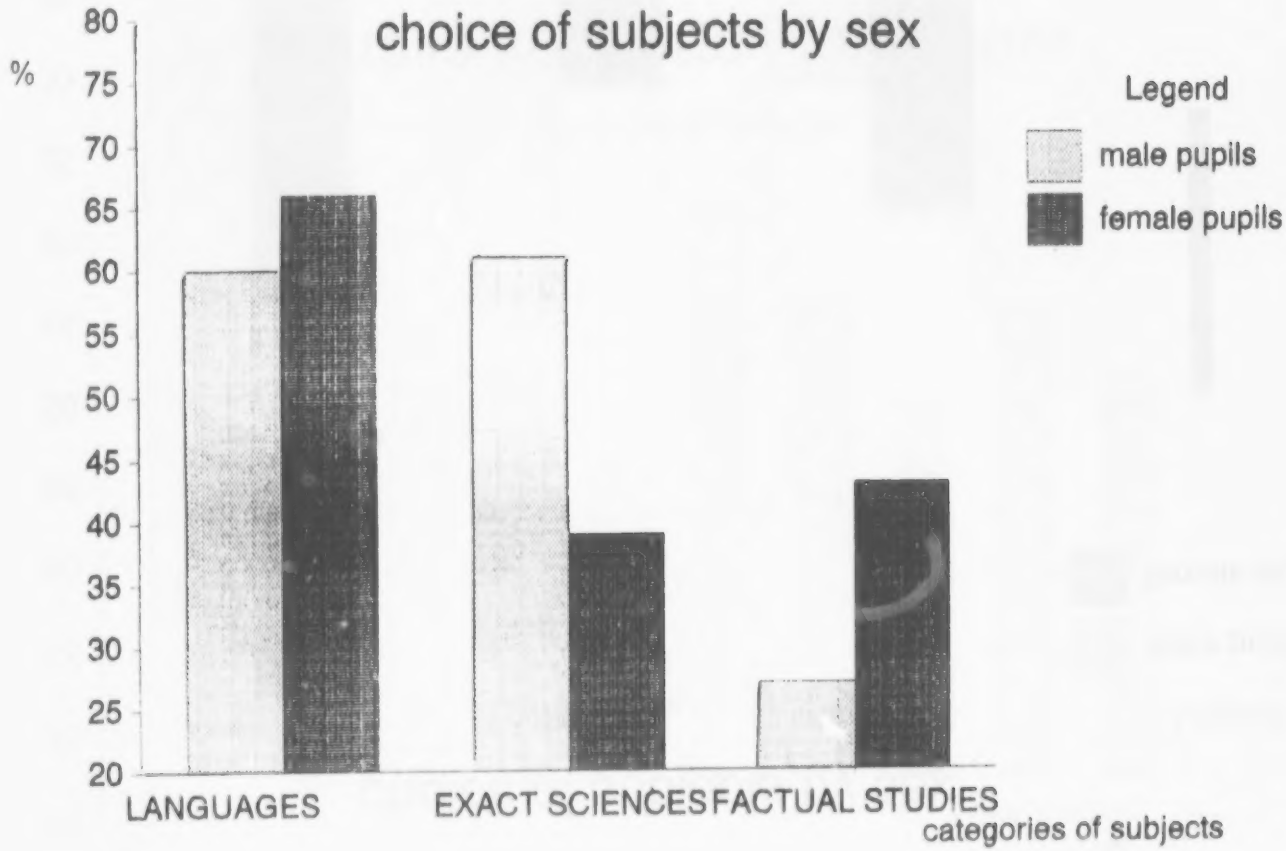

Table XXVII

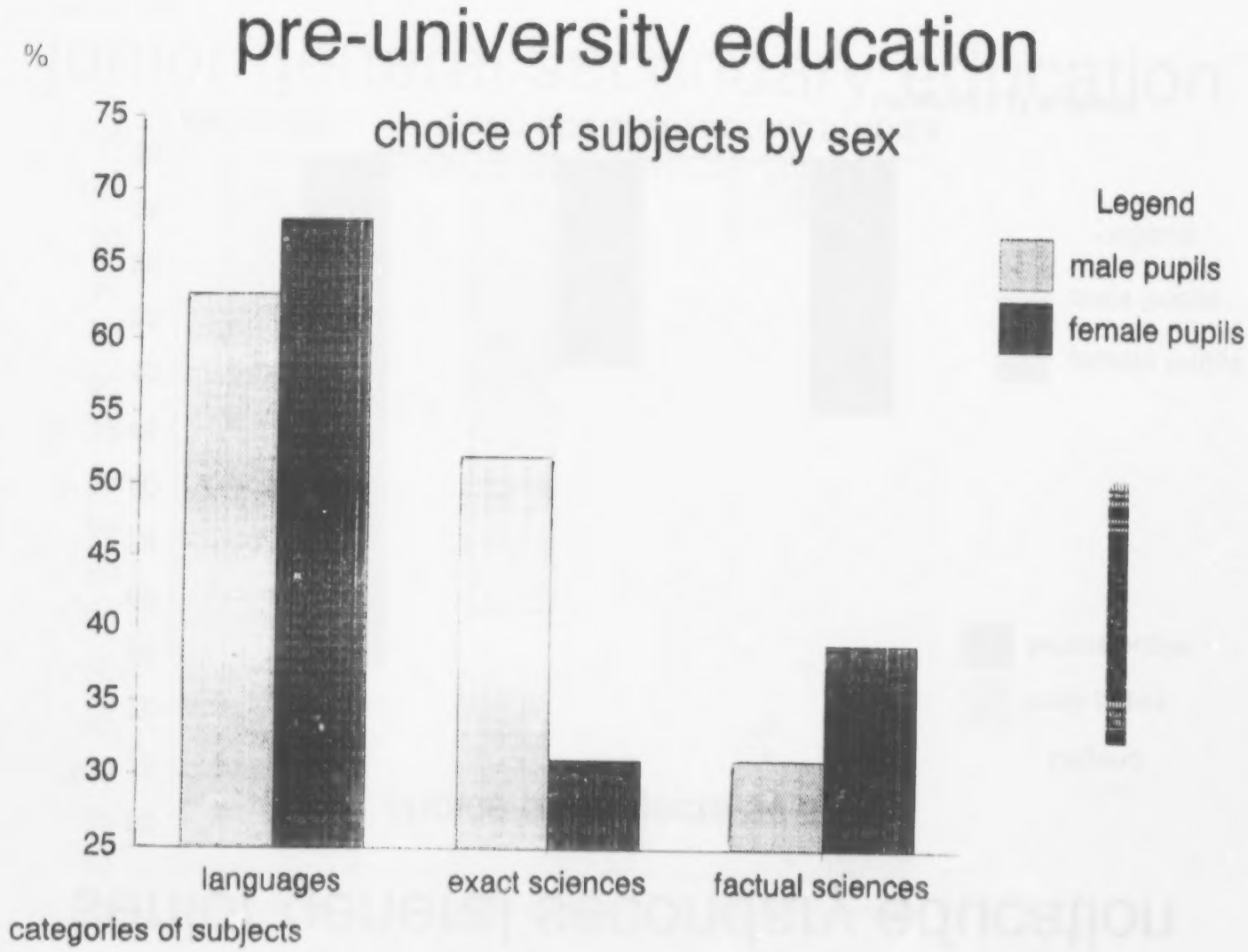
pre-university education
choice of subjects by sex
%
75
70
65
60
55
50
45
40
35
30
25
Legend
male pupils
female pupils
languages
exact sciences
factual sciences
categories of subjects

Table XXVIII

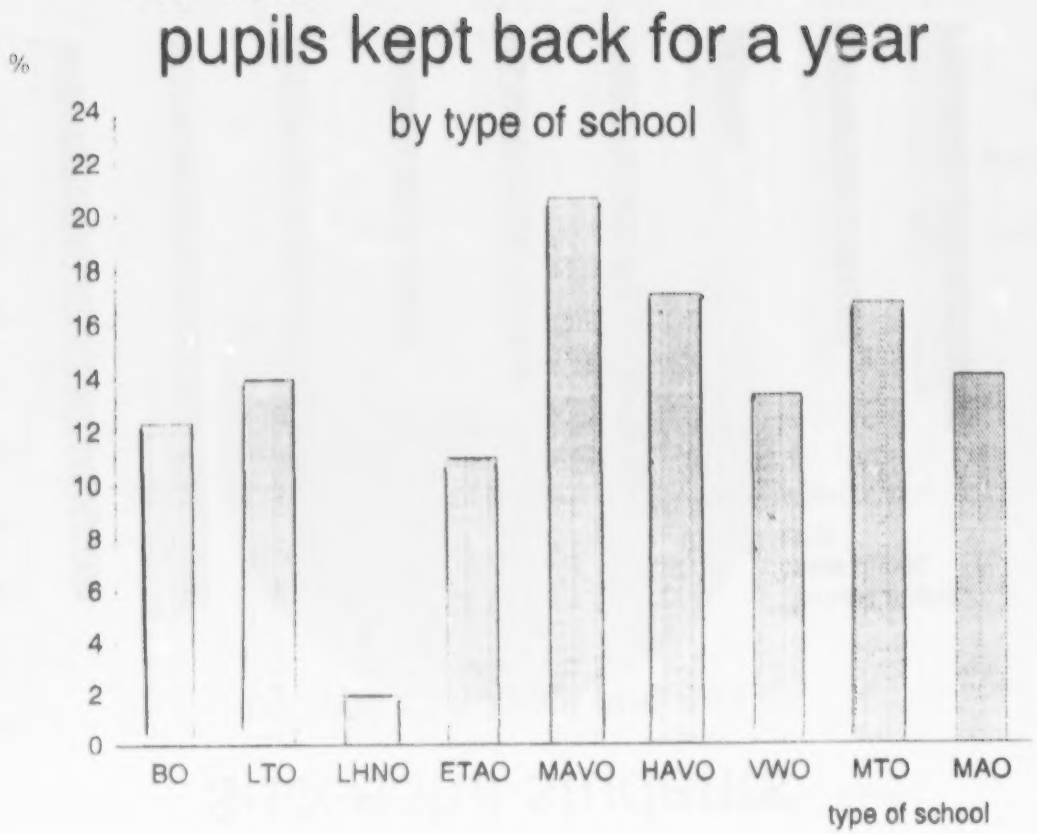

Table XXIX

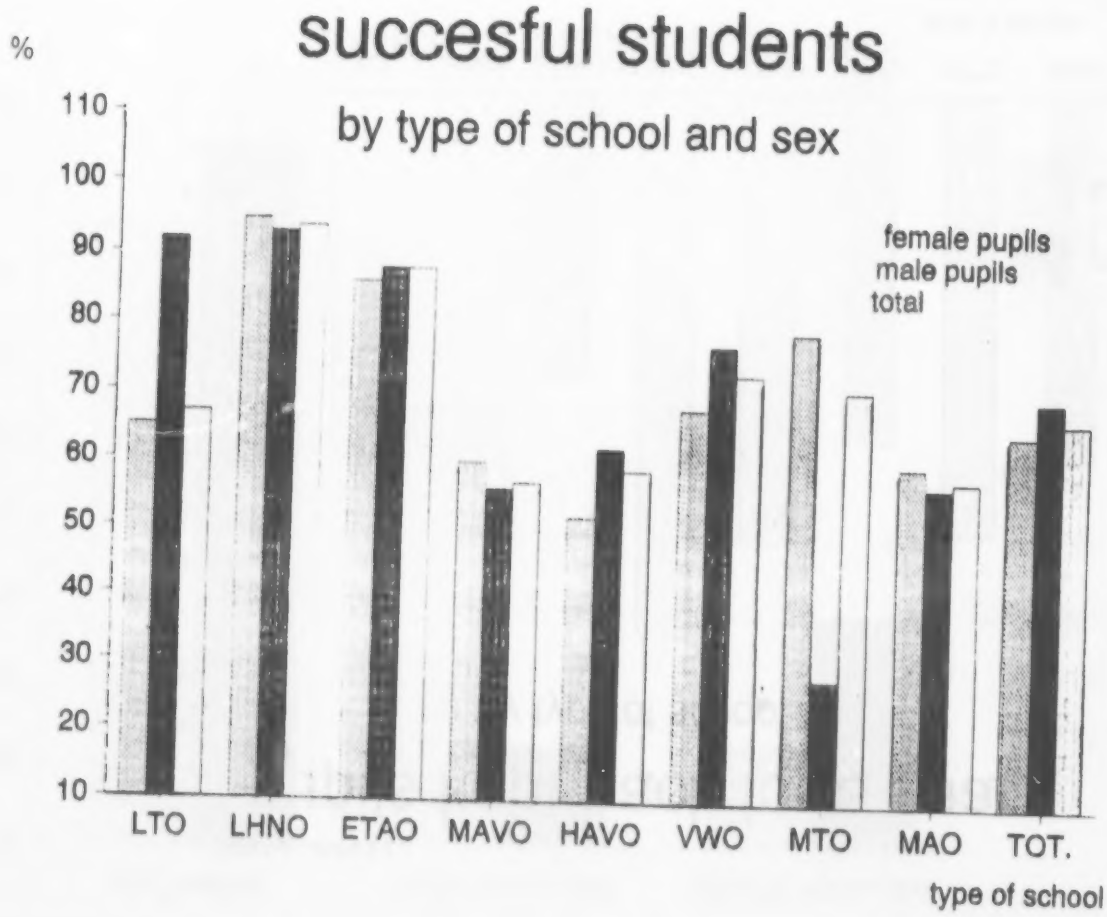
succesful students
by type of school and sex
%
110
100
90
80
70
60
50
40
30
20
10
female pupils
male pupils
total
LTO
LHNO
ETAO
MAVO
HAVO
VWO
MTO
MAO
TOT.
type of school

Table XXXII A

grant holders, by sex

awarded in 1990/91

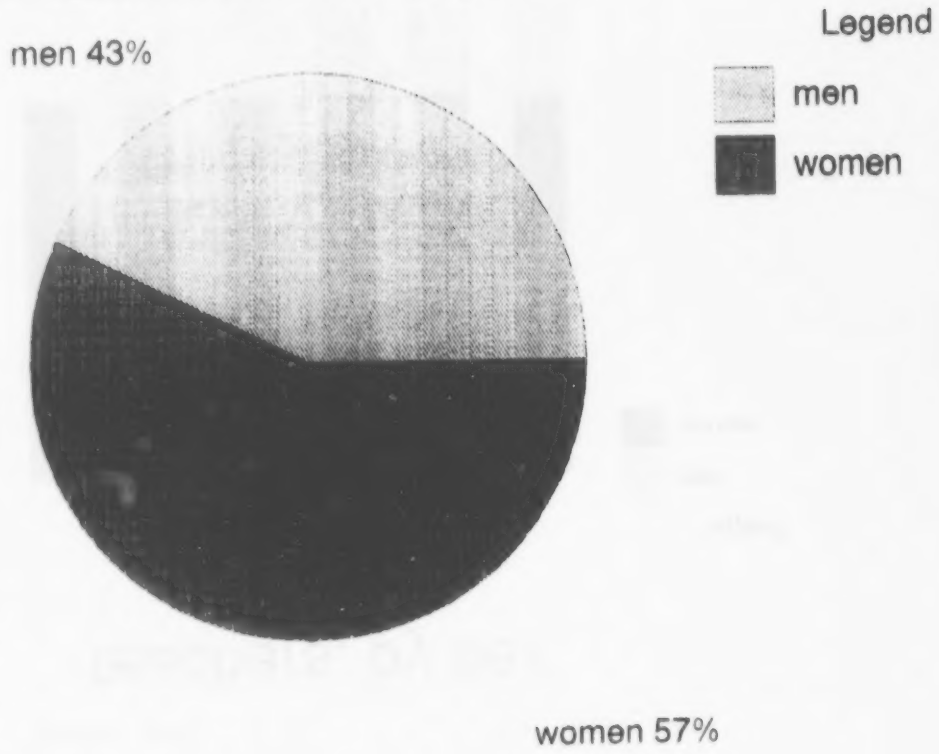

Table XXX

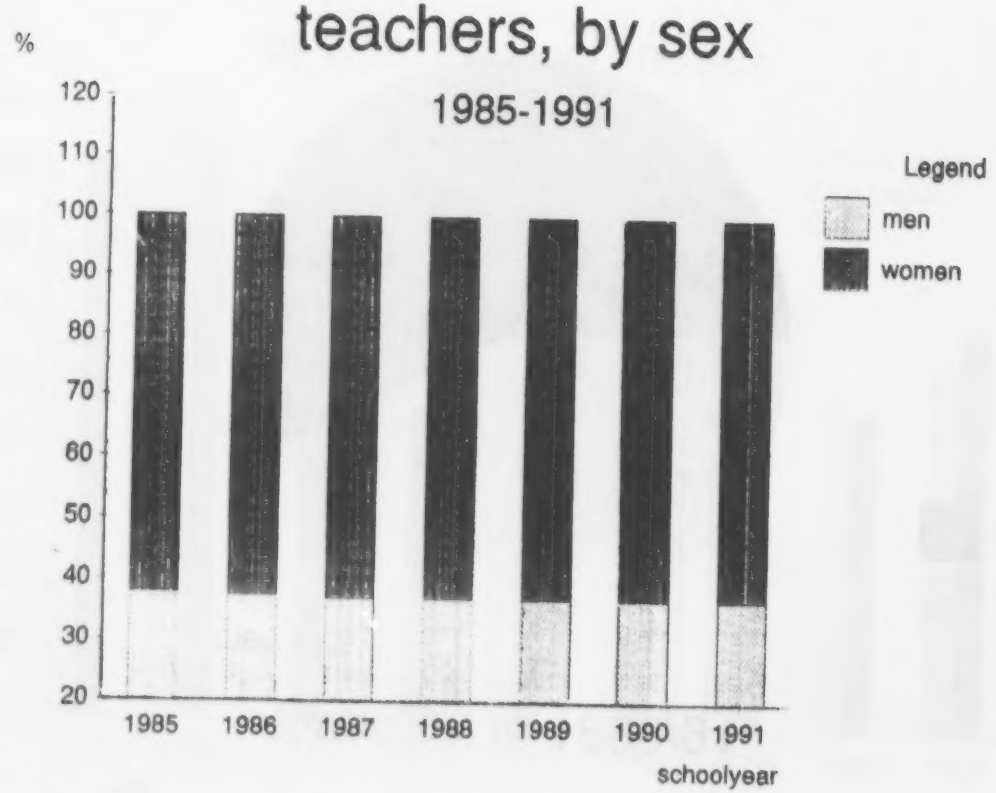
teachers, by sex
1985-1991
%
120
110
100
90
80
70
60
50
40
30
20
1985
1986
1987
1988
1989
1990
1991
schoolyear
Legend
men
women

Table XXXIII A

grant holders, by course

awarded in 1990/91

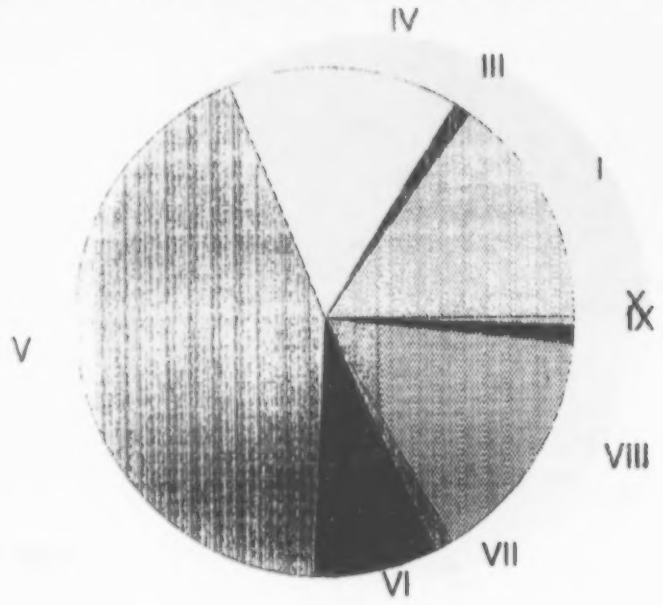

Table XXXII B

grant holders, by sex

number in Jan. 1992

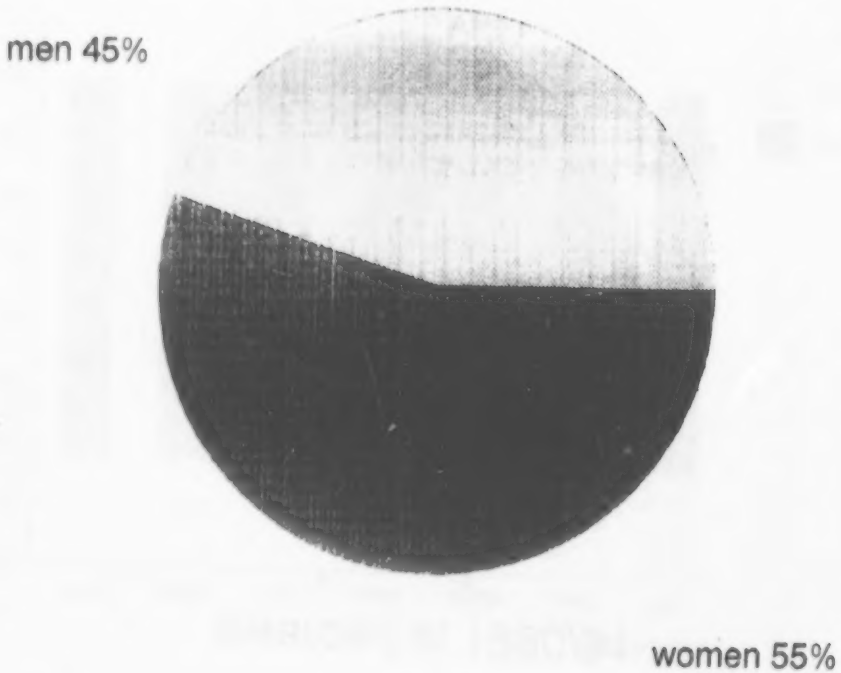

Table XXXIV A

women grant holders, by course

grants awarded to women in 1990/91

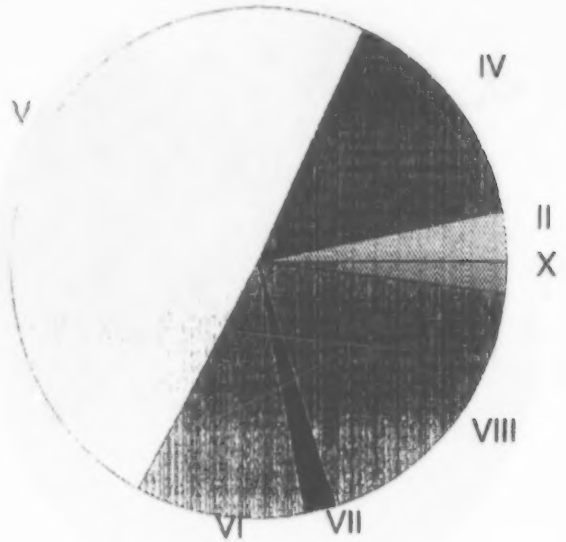

Table XXXIII B

grant holders, by course

number in Jan. 1992

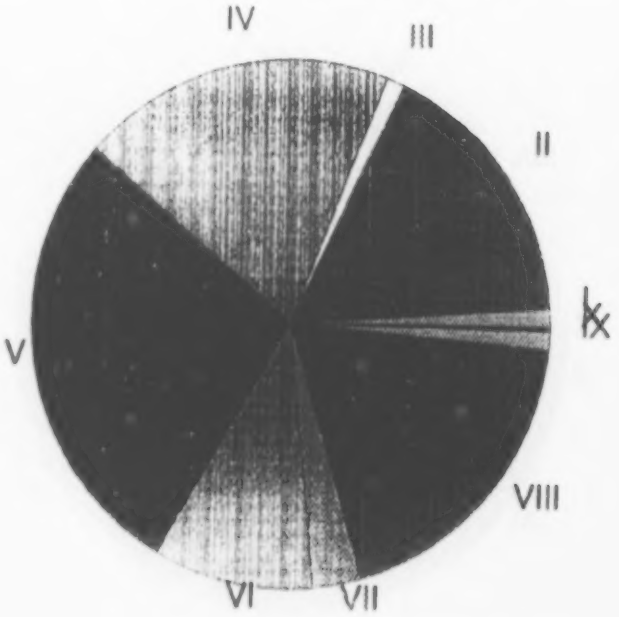

Table XXXV

share of education in budget

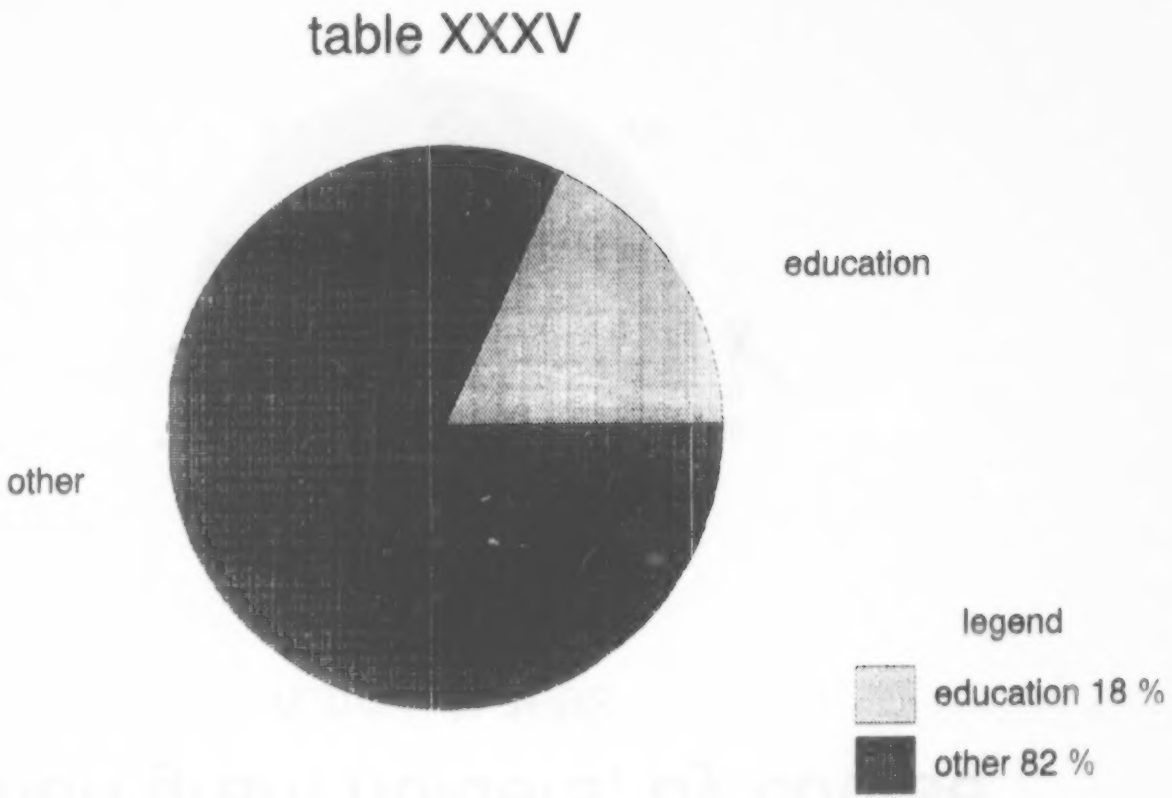

Table XXXIV B

women grant holders, by course

number in 1992